CITY OF

MARSHFIELD, WISCONSIN
MUNICIPAL CODE

Published by Order of the Council

OFFICIALS

of the

CITY OF

MARSHFIELD, WISCONSIN

AT THE TIME OF THIS RECODIFICATION

Michael D. Meyers
Mayor

Michael Feirer, Ward 1
Brad Parks, Ward 2
Gerald Nelson, Ward 3
Tim Kraus, Ward 4
Jerry Bennington, Sr., Ward 5
Russell Stauber, Ward 6
Donald Krueger, Ward 7
Ray Gougeon, Ward 8
Tom Buttke, Ward 9
Edward Beaudry, Jr., Ward 10

Council

Michael F. Brehm
City Administrator

Dennis A. Juncer
City Attorney

Deb M. Hall
City Clerk

Preface

This Code constitutes a recodification of the general and permanent ordinances of the City of Marshfield, Wisconsin.

Source materials used in the preparation of the Code were the 1982 Code, as supplemented, and ordinances subsequently adopted by the council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1982 Code, as supplemented, and any subsequent ordinance included herein.

The various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-02, and the first section of chapter 6 is 6-01. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-01 and 6-02 is desired to be added, such new section would be numbered 6-01.5. New articles may be included in the same way or may be placed at the end of the chapter embracing the subject. The next successive number shall be assigned to the new article.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CODE CD:1

CODE APPENDIX CDA:1

CODE COMPARATIVE TABLES CCT:1

STATE LAW REFERENCE TABLE SLT:1

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Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of James S. Vaught, Senior Code Attorney, and Jody Wilson, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

ORDINANCE NO. 994

AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE FOR THE CITY OF MARSHFIELD, WISCONSIN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Section 1. The Code entitled "City of Marshfield, Wisconsin Municipal Code", which is fully incorporated herein by this reference, consisting of Chapters 1 through 30, each inclusive, is hereby adopted pursuant to Section 66.0103 Stats. A copy of the Code is available for public inspection during normal business hours at the City Clerks office.

Section 2. All ordinances of a general and permanent nature enacted on or before May 13, 2003 and not included in the Code or recognized and continued in force by reference therein are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a forfeiture of not less than $5.00 nor more than $500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than $10.00 nor more than $500.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding six (6) months. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance unless another penalty is expressly provided. In addition to the penalty prescribed above, the City may pursue other remedies including, but not limited to, abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in the form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after May 13, 2002 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: 9-23-2003

_____

Michael D. Meyers, Mayor

APPROVED:
ATTEST:

_____

Deb M. Hall, City Clerk

PUBLISHED:

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Chapter 1

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Sec. 1-01. Title; effective date; citation.

These ordinances shall be known as the City of Marshfield Municipal Code and shall take effect from and after passage and publication as provided in § 66.0103 Wis. Stats. All references thereto shall be cited by section number (example: section 13-06, City of Marshfield Municipal Code).

(Code 1982, § 25.07)

Sec. 1-02. Rules of construction.

In the construction of this Municipal Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

Acts of agents. When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

Gender, singular and plural. Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

Person. The term "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.

Wisconsin Statutes. All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the Wisconsin Statutes, as amended.

(Code 1982, § 25.01)

Sec. 1-03. Conflict and separability.

(1) *Conflict of provisions.* If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(2) *Separability of Code provisions.* If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The council hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

(Code 1982, § 25.02)

Sec. 1-04. Clerk to file documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth in this Code, and the clerk shall file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any

person during the clerk's office hours, subject to such orders or regulations which the clerk may prescribe for their preservation.

(Code 1982, § 25.03)

Sec. 1-05. Penalty provisions.

(1) *General penalty.* Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) *First offense.* Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than $5.00 nor more than $500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

(b) *Second offense.* Any person found guilty of violating any provision of this Code or part of a provision of this Code who has previously been convicted of a violation of the same provision within one year shall, upon conviction thereof, forfeit not less than $10.00 nor more than $750.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.

(2) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense unless specifically provided to the contrary. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the city, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(4) *Additional remedies.* The imposition of a penalty as provided in this section shall not be deemed, nor shall it constitute any waiver on the part of the city, of its right to prosecute any claim for damage which might be or might have been caused to any public property by any person violating this Code.

(Code 1982, § 25.04)

Sec. 1-06. Repeal of general ordinances.

Upon adoption of this Municipal Code all ordinances heretofore adopted by the council are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

(a) The issuance of corporate bonds and notes of the city of whatever name or description.

(b) The establishment of grades, curblines and widths of sidewalks in the public streets and alleys.

(c) The fixing of salaries of public officials and employees.

(d) Rights, licenses or franchises or the creation of any contract with the city.

(e) The lighting of streets and alleys.

(f) The annexation of territory to the city.

(g) The naming and changing of names of streets, alleys, public grounds and parks.

(h) The letting of contracts without bids.

(i) The establishment of aldermanic districts, aldermanic district boundaries and election precincts.

(j) Tax and special assessment levies.

(k) Releases of persons from liability.

(l) Construction of public works.

(m) Water, sewer and electric rates, rules and regulations and sewer and water main construction.

(n) Budget ordinances, resolutions and actions.

(o) Charter ordinances of the City of Marshfield.

(p) Traffic regulations for specific streets or portions thereof of specific areas.

(Code 1982, § 25.05)

Sec. 1-07. Effect of repeals.

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the council shall not:

(a) By implication be deemed to revive any ordinance not in force or existing at the time such repeal or amendment takes effect.

(b) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the city.

(c) Affect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance is repealed or amended; except when any forfeiture or penalty has been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

(d) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid is repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinance, and such prosecution shall proceed, in all respects, as if such ordinance had not been repealed; except all such proceedings had after the time this Code takes effect shall be conducted according to the provisions of this Code.

(Code 1982, § 25.06)

Sec. 1-08. Citations to be issued for violations of Code.

(1) *Issuance.* Citations may be issued for violations of any provision of this Code, including provisions for which a statutory counterpart exists pursuant to § 66.0113 Wis. Stats. and action may be maintained to enforce forfeitures and penalties pursuant to § 66.0114 Wis. Stats.

(2) *Form of citation.* The city shall issue citations in the following form:

N

WISCONSIN UNIFORM MUNICIPAL COURT CITATION AND COMPLAINT

☐ Juvenile

*Deposit Permitted $_____ ☐ Cash ☐ Card

(For Court Use only)

You Are Notified To Appear

Is this a mandatory appearance? ☐ yes ☐ no

(Read the reverse side of this citation for court information.)

Date _____

Time _____ ☐ AM ☐ PM

_____ Municipal Court

Defendant Name - Last | First | MI

Street Address | Post Office | State | Zip Code

Driver License Number or Other I.D. (specify) | State | Exp. Yr.

Date of Birth | Sex | Race | Height | Weight | Hair | Eyes

License Plate Number | Plate Type | State | Exp. Yr.

Plaintiff: ☐ City ☐ Village ☐ Town

OF:

Defendant Violated:

Ordinance No. | Adopting State Statute No.

Description of Violation

Week Day | Month - Day - Year | Time ☐ AM ☐ PM | At: | County:

Name & Address of Parent/Guardian/Legal Custodian (if minor defendant)

Citation Served: ☐ Personally ☐ Mailed to defendant's last known address

☐ Left with person residing at defendant's residence: Name _____ Age ____

Print Officer Name | Department | I.D. No. | Date Citation Issued | Telephone Number of Parent/Guardian/Legal Custodian

MC-2000, 10/01

(Code 1982, § 25.09)

Sec. 1-09. Keeping Code current; revisor's amendments.

As each ordinance or resolution affecting the Municipal Code becomes effective, the city clerk shall forward such ordinance or resolution to the revisor, who shall incorporate the ordinance or resolution into the Municipal Code. The revisor shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the council; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Municipal Code affected thereby.

(Code 1982, § 25.08)

Chapter 2

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Article I. In General

Sec. 2-01. Mayor and alderperson plan.

The City of Marshfield shall be organized and governed under chapter 62 Wis. Stats., known as the mayor-alderperson plan. The city/common council will be referred to as "council" throughout this Code.

(Code 1982, § 1.01)

Sec. 2-02. Elected officials.

(1) *Enumerated*. The elected officials of the city shall be as follows:

Official	*When Elected*	*Term*	
(a)	Mayor	Even-numbered years	Two years
(b)	Alderperson	The first, third, fifth, seventh and ninth aldermanic districts shall elect alderpersons in the even numbered years. The second, fourth, sixth, eighth and tenth aldermanic districts shall elect alderpersons in the odd-numbered years	Two years
(c)	City assessor	Even-numbered years	Four years
(d)	Municipal judge	Odd-numbered years	Four years

(2) Continuation of term. Each official enumerated in subsection (1) of this section shall continue in office until his or her successor has been elected and qualified.

(3) Primary Election

(a) When there are three or more candidates for the same elected office in the City of Marshfield, the City Clerk shall schedule a primary election to narrow the field to the two candidates who receive the most votes in the primary election.

(b) If one or more candidates notify the City Clerk, in writing, that he or she no longer intends to be a candidate so that there remains only two candidates seeking to be elected, then a primary election does not have to be held if the notice or notices are received before the deadline for setting the primary election.

(Code 1982, § 1.02; Ord. No. 19, § 2, 5-9-2006; Ord. No. 23, § 1-4, 8-8-2006; Ord. No. 24, § 3, 4, 9-12-2006; Ord. No. 1194, § 1, 12-21-2010; Charter Ordinance 25)

Sec. 2-03. Appointed officials.

(1) Enumerated. The appointed officials of the city shall be as follows:

Official	*How Appointed*	*Term*	
(a)	City attorney	Council	Two years
(b)	City administrator	Council	Indefinite
(c)	Finance director	Council	Indefinite
(d)	Director of public works	Council	Indefinite
(e)	City engineer	Council	Indefinite
(f)	Wastewater utility superintendent	Council	Indefinite
(g)	Building services supervisor	Council	Indefinite
(h)	Electrical inspector	Council	Indefinite
(i)	Plumbing inspector	Council	Indefinite
(j)	Street superintendent/ Weed commissioner	Council	Indefinite
(k)	Technology Director	Council	Indefinite
(l)	Director of planning and economic development	Council	Indefinite
(m)	Parks and recreation director	Council	Indefinite
(n)	Police chief	Fire and police commission	Indefinite
(o)	Fire chief	Fire and police commission	Indefinite
(p)	Library director	Joint library board	Indefinite
(q)	Emergency management deputy director	Council	Indefinite
(r)	Director of community development authority	Council	Indefinite
(s)	Zoning administrator	Council	Indefinite
(t)	Cemetery Caretaker/Coordinator	Council	Indefinite
(u)	City Clerk	Council	Indefinite

(Code 1982, § 1.03; Ord. No. 23, § 1-4, 8-8-2006; Ord. No. 1138, § 2, 3-24-2009; Charter Ordinance 25)

Sec. 2-04. Oaths and bonds.

Elected and appointed statutory officers shall take and file the official oath within ten days after notice of their election or appointment as provided in § 62.09(4)(a) Wis. Stats. and shall execute and file the official bond as required by state statutes and this Municipal Code. This shall not apply to the finance director.

(Code 1982, § 1.04)

Sec. 2-05. Removals.

(1) *Elected officials.* Elected officials may be removed by the council as provided in § 17.12(1) (a) Wis. Stats. or as provided by § 17.16 Wis. Stats.

(2) *Appointed officials.* Appointed officials may be removed as provided in §§ 17.12(1)(c) and (4) 17.16 Wis. Stats.

(Code 1982, § 1.05)

Sec. 2-06. Vacancies.

(1) *How occurring.* Vacancies in elective and appointive positions are caused as provided in §§ 17.03 and 17.035 Wis. Stats.

(2) *How filled.* Vacancies in elective and appointive offices shall be filled as provided in § 17.23 Wis. Stats.

(3) Procedure for Filling Vacancies. The following procedures shall apply to fill vacancies in elective offices except the City Clerk and the City Assessor:

(a) The City Clerk shall advertise the vacancy by (i) publication of a notice in the local newspaper for the City of Marshfield once a week for two (2) weeks and (ii) simultaneously posting a notice on the City's website for a continuous period of not less than fourteen (14) calendar days. The notice shall contain the qualification requirements for the elective office including, but not limited to, a statement that the applicant must be eighteen (18) years of age or older, a qualified elector of the City and any additional specific qualifications for the elected office. In addition, the notice shall set forth a date and time (deadline) for submitting applications and an address to which the applications must be sent.

(b) Applicants shall submit a statement or letter of interest together with a resume not later than the deadline set forth by the City Clerk in the published notice.

(c) The City Clerk shall notify all applicants of the date, time and location of the Common Council meeting at which all applicants shall appear before the Common Council to give an oral presentation and to answer questions. The notice shall be given not less than five (5) days before the date of the Common Council meeting.

(d) At the next succeeding Common Council meeting, alderpersons may ask questions of candidates for the elective position. The Common Council shall then vote by written ballot. If there are less than three (3) candidates for the elective office, the candidate with the most votes on the first ballot shall be deemed elected to the position. If there are three (3) or more candidates for the elective office on the first ballot, the Common Council shall vote on the entire group of candidates and the two candidates receiving the highest number of votes shall be considered for election to the elective office. Then, the Common Council shall vote a second time as to the two

(2) remaining candidates and the candidate securing the most votes shall be deemed elected to the elective office.

(Code 1982, § 1.06; Ord. No. 1138, § 1, 3-24-2009)

Sec. 2-07. Salaries

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the council from time to time, provided the salary of the mayor, members of the council and elective officers shall not be increased in excess of the salary provided at the time of their taking office.

(Code 1982, § 1.07)

Sec. 2-08. Display of American flag.

(1) The American flag shall be displayed in public view or other appropriate manner upon flag poles at city facilities. It shall be displayed at half mast out of respect upon the death of the President or Vice President of the United States, or any Congressman or United States Senator of the district of which the city is a part or upon order of the President of the United States or Governor of the State of Wisconsin.

(2) The mayor may, at his or her discretion, order the City Flag to be flown at half mast upon the death of any other prominent citizen of the community, state or nation.

(3) At the discretion of the mayor, upon the death of any other prominent citizen of the community, he or she may order a black ribbon or streamer be attached to the top of the flag as an acceptable alternative of demonstration of respect.

(4) The mayor may delegate the responsibility for the display of the flag to such person as he or she deems suitable for such duties.

(Code 1982, § 1.50; Ord. No. 1148, § 1, 2-10-2009)

Sec. 2-09. Public records.

The city shall comply with open records and open meeting requirements of state law.

(Code 1982, § 1.62)

Sec. 2-10. Staff Changes

(1) For the purpose of administering this Section, the following terms shall have the meaning set forth herein:

    (a) The term "staff position" shall mean all permanent full-time and all permanent parttime positions including, but not limited to, all appointed officials set forth in Sec. 2-03 above.

(2) In the event an alderperson desires to create or eliminate a staff position, the alderperson shall submit a written proposal to the City Administrator setting forth the specific staff position to be created or eliminated together with an explanation of the underlying reason(s) for the creation or elimination of said staff position. The proposal shall be reviewed and evaluated by the Finance, Budget, and Personnel Committee which shall submit a specific recommendation to the Common Council to approve or disapprove the proposal.

(3) Notwithstanding the foregoing, no staff position shall be eliminated if the effect of such elimination would result in a violation of Section 17.035, Stats.

(Ord. No. 1132, § 1, 7-22-2008)

Secs. 2-11—2-35. Reserved.

Article II. Officials

Sec. 2-36. Mayor and alderpersons.

(1) *Election and term.* The election and terms of the mayor and aldermen shall be as provided in section 2-02. The mayor's and alderpersons' terms shall commence on the third Tuesday in April of the year of their election.

(2) *Powers and duties.* Powers and duties of the mayor and alderpersons shall be as follows:

(a) *Mayor.* Powers and duties of the mayor shall be as provided by statutes and this Code, to include:

1. The mayor shall be the chief executive officer. He shall see that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.

2. The mayor shall, from time to time, give the council such information and recommend such measures as he may deem advantageous to the city.

(b) *Alderpersons.* The alderpersons together with the mayor shall constitute the council and shall have such duties and powers as are enumerated in chapter 62Wis. Stats. And elsewhere in the statutes and in chapter 3 of this Code.

(Code 1982, § 1.10)

Sec. 2-37. City clerk.

(1) *Term*. The term of office of the City Clerk shall commence on the date of the year appointed by the Common Council and shall continue until a successor is duly appointed and qualified.

(2) *Powers and duties.* The clerk shall perform such duties as prescribed by statute and this Code. See chapter 3 of this Code.

(Code 1982, § 1.12; Ord. No. 24, § 3, 4, 9-12-2006; Charter Ordinance 25)

Sec. 2-38. City assessor.

(1) *Election and term.* The term of the city assessor shall commence on June 1 of the year elected.

(2) *Certification required.* No recipient of this office shall serve unless such person has been certified by the Wisconsin Department of Revenue under § 73.09 Wis. Stats.

(3) *Powers and duties.* Powers and duties of the assessor shall be as follows:

(a) The assessor shall have such powers and duties as prescribed by chapter 70Wis. Stats.

(b) The city assessor shall perform such other duties as shall be prescribed by state law, supervisory personnel of the state department of revenue and the council, including attendance at all meetings of the board of review.

(4) *Confidentiality of information.* Whenever the assessor, in the performance of the assessor's duties, requests or obtains income and expense information pursuant to § 70.47(7)(af) Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis, except, however, that such information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use

by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the assessor under § 70.47(7)(af) Wis. Stats., unless a court determines that it is inaccurate, is, per § 70.47(7)(af) Wis. Stats., not subject to the right of inspection and copying under § 19.35(1) Wis. Stats.

(Code 1982, § 1.13; Ord. No. 23, § 1-4, 8-8-2006; Ord. No. 897, § 1, 5-9-2000)

Sec. 2-39. Municipal judge.

(a) *Repealed*

(Code 1982, § 1.28; ORD 1318 10/13/15)

Sec. 2-40. City attorney.

(1) *Appointment and term.* The city attorney's term shall commence on May 1 of the year appointed.

(2) *Powers and duties.* The city attorney's office shall defend actions brought against any officer or employee of the police department and the fire department growing out of any acts done in the course of their employment or out of any alleged breach of their duty as such officer or employee, except for:

(a) Actions brought to determine the rights of such officer or employee to hold or retain their office or positions; and

(b) Actions brought by the city against such officer or employee thereof.

(3) *Responsibilities.* Responsibilities of the city attorney shall be as follows:

(a) Represent the city in lawsuits affecting the city, including both prosecution and defense;

(b) Draft pleadings, documents and briefs relating to litigation;

(c) Draft contracts, ordinances, resolutions and municipal codes;

(d) Consult with and advise the mayor, council, city administrator, all department heads and independent boards and commissions;

(e) Research and write legal opinions for the mayor, city administrator and all department heads;

(f) Advise the council at council meetings and at such council committee meetings as requested, act as parliamentarian at council meetings. The City Attorney shall be exempt from attending council meetings where excused by the City Administrator.; and

(g) Represent the city in municipal code violation cases.

(Code 1982, § 1.14, ORD1271 3/11/14)

Sec. 2-41. City administrator.

(1) *Office created.* In order to provide the City of Marshfield with a more efficient, effective and responsible government under a system of a part-time mayor and part-time council at a time when city government is becoming increasingly complex, there is hereby created the office of city administrator for the city.

(2) *Appointment, term of office and removal.* The administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the council. The administrator shall hold office for an indefinite term subject to removal at any time by a majority vote of the council. This section, however, shall not preclude the council from establishing other employment terms and conditions not inconsistent with the provisions of this section or the Municipal Code of the City of Marshfield.

(3) *Residency.* The administrator shall become a resident of the City of Marshfield within six months following the date of appointment.

(4) *Duties.* Duties of the city administrator shall be as follows:

(a) The city administrator is the chief administrative officer of the city, reporting to a part-time mayor (chief executive officer) and ten-member council. The administrator presents an annual budget recommendation to the mayor and council, is responsible for the oversight of five departments (public works, information systems, parks and recreation, planning and economic development and finance) and serves as the city's personnel director. The responsibilities of the position generally include three areas: (i) oversight of certain departmental operations; (ii) personnel and human resources functions for all city departments and divisions; and (iii) staff support to the mayor and council, in terms of both policy development and administration/implementation of policy decisions.

(b) The city administrator will maintain a plan of administration, including an organization chart, and establish when necessary administrative procedures to increase the effectiveness and efficiency of city government and serve as a nonvoting staff member of boards, commissions and committees of the city.

(c) The city administrator will keep informed concerning current federal, state and county legislation and administrative rules; keep informed concerning the availability of federal, state and county funds for local programs; and promote the economic wellbeing, growth, and strategic planning of the city.

(d) The city administrator will represent the city in matters involving legislative and intergovernmental affairs, act as public information officer for the city and establish and maintain procedures to facilitate communications between citizens and city government.

(5) *Responsibilities to council.* The responsibilities of the city administrator to the council shall include:

(a) Attend all meetings of the council, assist in the preparation of ordinances and resolutions and, in coordination with the mayor, council and city clerk, ensure that appropriate agendas are prepared for all meetings.

(b) Receive directives from the mayor in the event that action normally requiring council approval is necessary in emergency situations, at a time when the council cannot meet, and keep the mayor and council regularly informed about the activities of the administrator's office.

(6) *Personnel.* In performing duties relating to personnel of the city, the city administrator shall:

(a) Serve as the personnel director for the city, with the personnel functions of the city administrator carried out through, and in conjunction with, the human resources specialist and as referenced in the job description on file as well as the policy and procedure manual as approved by the council.

(b) Work closely with department heads to ensure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills; approve requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for those activities.

(c) Evaluate the performance of department heads and personnel reporting directly to the administrator; review and consult with department heads concerning performance appraisals of all employees under their supervision; and recommend to the council the appointment, promotion, suspension or termination of any nonstatutory employees of the city.

(7) *Budgeting.* Be responsible for preparing the annual city budget, including posting and publishing all official notices, city budget proceedings, and capital improvement program in accordance with guidelines as may be provided by the council and in coordination with department heads, and pursuant to state statutes, for review and approval by the mayor and the council; administer the budget as adopted by the council and assist the council in policy decisions providing financial summaries regarding the administration of the annual city budget, capital improvement projects, and special projects which may affect the financial condition of the city.

(Code 1982, § 1A.01)

Sec. 2-42. Finance director.

(1) *Powers and duties.* The finance director is responsible for the administration of the accounting and financial reporting system, cash management, debt management, and risk management for the city. This position is responsible for comptroller and treasurer duties according to this Municipal Code and state statues. Work is performed under the supervision and general administrative direction of the city administrator.

(2) *Responsibilities.* Responsibilities of the finance director shall be to provide administrative support and information service to the public, city administrator and city departments; to maintain financial information in accordance with generally accepted accounting principles; and to ensure compliance with legal and prudent fiscal requirements and all financial procedures and operations. These include the accounting and financial reporting system, payroll, budget development and administration, internal and external audits, risk management administration, the treasury function, cash management, investment administration, debt management, and all statutory responsibilities of the treasurer and comptroller.

(Code 1982, § 1.17)

Sec. 2-43. Director of public works.

(1) *Powers and duties.* The director of public works shall be responsible for the planning, administration and coordination of all activities, policies and work programs of the public works department of the city, and shall perform all related work required in connection therewith, including preparation and administration of its budget. Work is performed under the supervision and general administrative direction of the city administrator.

(2) *Responsibilities.* The director of public works shall be responsible for engineering and construction projects; street and sidewalk construction; wastewater collection and treatment; building maintenance and improvement; garbage collection and disposal; building inspections; vehicle and equipment maintenance, repair and replacement. The director shall exercise supervision over all supervisory personnel and employees of the public works department, and promulgate rules and procedures related to the enforcement of city policy and the Municipal Code, as approved by the council, and shall perform such other duties as directed by the council or as provided by this Code.

(Code 1982, § 1.15)

Sec. 2-44. City engineer; power and duties.

The city engineer shall supervise, direct and coordinate the work program and daily activities of the engineering division of the public works department under the general supervision of the director of public works. The city engineer is responsible for planning, designing, developing and directing the implementation of public works engineering programs and projects. The city engineer functions as the acting department director in the absence of the director of public works. The city engineer performs all the duties of the city engineer as required by law, ordinance or resolution and maintains related records as required by statute and local ordinance.

Sec. 2-45. Wastewater utility superintendent; powers and duties.

The wastewater utility superintendent manages all operations and the maintenance of the wastewater treatment utility plant and collection facility. This position is responsible for planning and directing operations to ensure regulatory agency compliance, controlling and reducing clean water in the collection system, budgetary functions, maintenance of the facilities and equipment, the biosolids management program, the manhole inspection program, laboratory operations, and controlling industrial discharges and billings. The wastewater utility is a division of the public works department, and the superintendent works under the general supervision of the director of public works.

Sec. 2-46. Building services supervisor; powers and duties.

The building services supervisor oversees the building services division of the public works department, and acts as city building inspector, providing building inspection services and all necessary documentation for all building in the city, ensures code compliance to provide safe and sanitary buildings, assists in zoning administration and inspection service to ensure zoning code compliance and proper land use within the city, provides building maintenance and custodial supervision for various city-owned buildings and ensures cleanliness and proper maintenance. The building services supervisor shall have the right during reasonable hours, for the purpose of inspection, to enter any public or private building, structure, premises or subway in the discharge of his official duties.

(Code 1982, § 1.19)

Sec. 2-47. Electrical inspector; powers and duties.

The electrical inspector shall have, except as otherwise provided in this Code, the general management and control of all matters pertaining to electrical inspection, and shall enforce all state laws, city ordinances and lawful orders relating to the safeguarding of life and property. The electrical inspector shall have the right, during reasonable hours, to enter any public or private building, structure, premises or subway in the discharge of his official duties.

(Code 1982, § 1.21)

Sec. 2-48. Plumbing inspector; powers and duties.

The plumbing inspector shall have, except as otherwise provided in this Code, the general management and control of all matters pertaining to plumbing inspection, and shall enforce all state laws, city ordinances and lawful orders relating to the safeguarding of life and property. The plumbing inspector shall have the right, during reasonable hours for the purpose of inspection, to enter any public or private building, structure, premises or subway in the discharge of his official duties.

(Code 1982, § 1.20)

Sec. 2-49. Street superintendent/weed commissioner; powers and duties.

The street superintendent directs the operation of the street division of the public works department. These operations include storm sewer, street and sidewalk construction and maintenance, environmental control and other construction

projects; departmental and city policies; and snow removal procedures. The street superintendent also serves as the recycling coordinator and is responsible for directing the city recycling programs as well as all facets of refuse pickup and disposal. The street superintendent is also responsible for the forestry program and weed control as city weed commissioner pursuant to § 66.0517(2) Wis. Stats. and shall be deemed to be annually appointed as provided by such statute. Work is performed under the supervision and general administrative direction of the director of public works.

(Code 1982, § 1.16)

Sec. 2-50. Information systems director; powers and duties.

The information systems director is responsible for development, maintenance, technical support, and documentation of the city's information systems, including both microcomputer and mainframe applications. The director has overall responsibility for planning, developing, and implementing computer programs and applications; recommending computer hardware and software for procurement; providing technical and training support to users; recommending computer solutions consistent with overall city policies and direction; and administering systems security procedures for all city computer systems. The position is both managerial and technical— requiring attentiveness to long range planning, establishment of standards, and development of cost effective solutions; but also technical in the sharing of day-to-day direct support (i.e., hardware/software maintenance) with other staff. Work is performed under the supervision and general administrative direction of the city administrator.

Sec. 2-51. Director of planning and economic development.

(1) *Powers and duties generally.* The director of planning and economic development is primarily responsible for the progressive development of the commercial, industrial, residential areas of the city, thereby ensuring the planned, orderly development of the city.

(2) *Responsibilities.* The director of planning and economic development is responsible for the formulation, supervision and administration of the community planning program. The director of planning and economic development will initiate, develop, direct and supervise the implementation of all matters related to planning as defined in the comprehensive plan, state regulations and local codes and ordinances. This responsibility includes comprehensive planning processes, including short-range and long-range advance planning, land use regulations, annexations and transportation system plans. The director is also responsible for ensuring that short-range and long-range plans are supported through the city's capital improvement program.

(3) *Coordination of development.* The planning and economic development office shall work closely with the local business community, the local utilities, MACCI, Main Street Marshfield, the business improvement district, CDA and MEDA in a continued effort to attract new business and development to the city.

(4) *Supervisor*. The director of planning and development is under the supervision and general administrative direction of the city administrator. Reports of planning recommendations and findings are made to the plan commission, zoning board of appeals, mayor and council for actions leading to implementation. The employee serves as staff to the plan commission and zoning board of appeals.

Sec. 2-52. Parks and recreation director; powers and duties.

The parks and recreation director is responsible for the overall planning, development and maintenance of the zoo and park system, and the planning, development and implementation of a program of recreation activities. Such planning and programming is to be developed in accordance with the policies established by the parks, recreation and forestry committee, and approved by the council. Work shall be performed under the supervision and general administrative direction of the city administrator.

(Code 1982, § 1.22)

Sec. 2-53. Police chief.

(1) *Appointment and term.* The appointment and term of the police chief shall be as provided in section 5-01(3) of this Code.

(2) *Powers and duties.* Powers and duties of the police chief shall be as provided in section 5-02 of this Code.

(Code 1982, § 1.26)

Sec. 2-54. Fire chief.

(1) *Appointment and term.* The appointment and term of the fire chief shall be as provided in section 6-04(2) of this Code.

(2) *Powers and duties.* Powers and duties of the fire chief shall be as provided in section 6-51 of this Code.

(Code 1982, § 1.27)

Sec. 2-55. Library director; powers and duties.

Powers and duties of the library director shall be as established by the board of trustees of the Marshfield Public Library.

Sec. 2-56. Emergency management deputy director.

The office of emergency management deputy director shall be as provided in section 7-03 of this Code.

(Code 1982, § 1.18)

Sec. 2-57. Directory of community development authority; powers and duties.

The director of community development authority administers the community development block grant program and the state housing conservation and rehabilitation program. The work involves planning for comprehensive community development and housing needs, operating the programs in compliance with federal and state regulations and guidelines and authorizing payments in accordance with program eligibility requirements. The director implements a housing assistance plan and prepares grant applications to meet local development needs. The director receives general supervision from the city administrator.

(Code 1982, § 1.24)

Sec. 2-58. Zoning administrator.

The zoning administrator shall be responsible for the administration and enforcement of the city zoning code, chapter 18 of this Code, and chapter 20, which pertains to shorelands and wetlands, as provided more specifically at sections 18-31 and 20-31 of this Code. The zoning administrator receives general supervision from the director of planning and economic development.

Sec. 2-59. Cemetery sexton; powers and duties.

The cemetery sexton shall be responsible for the orderly and lawful operation of the city cemetery, to include completing interments; cleaning and maintaining grounds, buildings and equipment; assisting individuals and families by directing them to locations of previous burials, allocation of future burial sites; and enforcement of the rules of the cemetery concerning flowers, shrubs and monuments. The cemetery sexton shall prepare an annual budget and capital improvement program (CIP) project request. The cemetery sexton will exercise supervision over cemetery laborers. Oversight and evaluation of the cemetery sexton's work shall be the responsibility of the board of public works of the council, and the city administrator.

(Ord 1246, 03/26/13)

Secs. 2-60—2-85. Reserved.

Article III. Boards and Commissions

Sec. 2-86. Terms of office.

The term of office for all boards and commissions shall be staggered terms of three years, and shall commence on May 1, except as otherwise stated in this article.

(Code 1982, § 1.50)

Sec. 2-87. Vacancies.

All vacancies in boards and commissions shall be filled for the unexpired term in the same manner as appointment for the full term.

(Code 1982, § 1.51)

Sec. 2-88. Appointments.

All board and committee appointments by the mayor) shall be subject to confirmation by the council at the next regular meeting of the council after such appointments have been announced by the mayor, but such appointments may, at the discretion of the council, be confirmed immediately following appointment.
(Code 1982, § 1.52, Ord 1243, 03/12/13)

Sec. 2-89. Quorum.

A majority of the membership of each board or commission shall constitute a quorum for the conduct of business. A majority of the quorum shall be necessary for passage of motions unless otherwise stated in this article.

(Code 1982, § 1.53)

Sec. 2-90. Time of meetings.

All boards and commissions shall meet monthly unless otherwise stated in this article.

(Code 1982, § 1.54)

Sec. 2-91. Records and report to council.

Each board or commission shall keep a written record of its proceedings and present a written report to the council.

(Code 1982, § 1.55)

Sec. 2-92. Council approval.

Any action taken by a board or commission which requires council approval shall be approved by separate motion or resolution and not by receiving and filing the board or commission minutes.

Sec. 2-93. Board of review.

(1) *Composition and terms.* The board of review of the city shall consist of five city residents, none of whom shall occupy any public office or be publicly employed. Two similarly qualified alternate members may also be appointed. Such members shall be appointed by the mayor, subject to confirmation by the council, and shall hold office for five years and until their successors are appointed and qualified.

(2) *Duties.* The duties of the board of review shall be as prescribed by law. See § 70.47 Wis. Stats. Board members shall participate in training sessions as necessary to obtain the education required for certification as recommended by the Wisconsin Department of Revenue.

(Code 1982, § 1.32)

Sec. 2-94. Board of building code appeals.

The board of building code appeals shall be the board appointed as the zoning board of appeals created and established by section 18-156 of this Code.

(Code 1982, § 1.34)

Sec. 2-95. Fire and police commission.

(1) *Duties and powers.* The city fire and police departments shall be governed in accordance with § 62.13 Wis. Stats., except that pension funds shall be in accordance with the Wisconsin Retirement Act. By virtue of a referendum duly held in the city, the fire and police commission has the optional powers designated in § 62.13(6) Wis. Stats.

(2) *Composition.* The fire and police commission shall be composed of five members appointed by the mayor and confirmed by the council for staggered five-year terms commencing on May 1.

(Code 1982, § 1.35)

Sec. 2-96. Board of trustees of the Marshfield Public Library.

(1) *Composition.* The members of the board of trustees of the Marshfield Public Library from the City of Marshfield shall be appointed, shall serve and shall have the duties and responsibilities as set forth in the agreement between the City of Marshfield and the Town of McMillan.

(2) *Membership.* The city appointments to the board of trustees of the Marshfield Public Library shall be composed of ten members as follows:

    (a) One member shall be a member of the Marshfield City Council, who shall be appointed for a term not exceeding his term of office on the council.

    (b) One member shall be a school district administrator of the school district of Marshfield or his representative, as provided by § 43.54(1)(c) Wis. Stats.

    (c) One member shall be an administrative official of the Marshfield parochial school system in the city.

    (d) The remaining seven members shall be citizens at large, appointed proportionately based on the relative populations of participating municipalities, pursuant to the joint library agreements of the municipalities.

(3) *Term of office.* Members shall serve a staggered three-year term commencing July 1, except terms of appointed members may be set by the appointing authority.

(4) *Public library established.* There is hereby established, in and for the city, pursuant to those provisions of chapter 43 Wis. Stats., a public library, as may be applicable to municipal library operations.

(Code 1982, § 1.36)

Sec. 2-97. Zoning board of appeals.

The zoning board of appeals shall be as provided in section 18-156 of this Code.

(Code 1982, § 1.37)

Sec. 2-98. Utility commission.

The utility commission shall be as provided in section 14-36 of this Code.

(Code 1982, § 1.40)

Sec. 2-99. Plan commission.

(1) *Powers and duties.* The city plan commission shall have power and authority to employ experts and a staff, not exceeding, in all, the appropriation that may be made for such commission by the council, or placed at its disposal through gifts, and subject to any ordinance or resolution enacted by the council. The plan commission shall have the powers and duties prescribed in § 62.23 Wis. Stats. and such other powers and duties as shall be vested in it from time to time by the council.

(2) *Composition.* The city plan commission is established pursuant to § 62.23(1) Wis. Stats. And shall consist of seven members. All members of the commission shall be appointed by the mayor, who shall also choose the presiding officer. The mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least four citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications. The director of public works, or his designee, shall act as a nonvoting secretary. The members of the commission shall be appointed to hold office for a period of three years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term. Citizen members shall take the official oath required by § 19.01 Wis. Stats. which shall be filed with the city clerk.

(3) *Organization.* At the May meeting the plan commission shall organize by the election of a vice-chairman, secretary and such other officers as may in its judgment be necessary.

(4) *Quorum and approval.* Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the plan commission.

(5) The council, or other public body or officer of the city having final authority thereon, shall refer to the plan commission, for its consideration and report before final action is taken by the council, public body or officer, those matters required by § 62.25(5) Wis. Stats.

(Code 1982, § 1.39; ORD 1274, 4/22/14)

Sec. 2-100. Board of electrical examiners.

Repealed.

(Code 1982, § 1.41; ORD 1274, 4/22/14)

Sec. 2-101. Industrial park authority.

Repealed.

(Code 1982, § 1.42; ORD 1274, 4/22/14)

Sec. 2-102. University of Wisconsin/Wood County Commission.

The members of the University of Wisconsin/Wood County Commission from the City of Marshfield shall be appointed, shall serve and shall have the duties and responsibilities as set forth in Resolution No. 643 of the council of the City of Marshfield, adopted and approved on August 14, 1962.

(Code 1982, § 1.43)

Sec. 2-103. Community development authority.

(1) *Need.* A need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects exists in the City of Marshfield.

(2) *Creation.* Pursuant to § 66.1335 Wis. Stats., there is hereby created and established for the City of Marshfield a housing and community development authority which shall be known as the community development authority of the City of Marshfield, Wisconsin. Such authority shall have for its purposes the carrying out of blight elimination, slum clearance, urban renewal programs and projects and housing projects. Until further or other action of the council, however, the authority shall not be authorized to develop the general plan of the city or perform acts which are to be performed by the plan commission under §§ 66.1301—66.1327, 66.1331, 66.1333, 66.1337 and 66.1105 Wis. Stats. or a joint review board under § 66.1105 Wis. Stats.

(3) *Members.* The mayor shall, subject to confirmation by the council, appoint seven resident persons having sufficient ability and experience in the field of urban renewal, community development and housing, as commissioners of the community development authority, as follows:

(a) Two of the commissioners shall be members of the council and shall serve during their term of office as council members.

(b) The terms of the five non council members shall be staggered four-year terms and until their successors are appointed and qualified.

(c) Vacancies shall be filled for the unexpired term as provided in this subsection.

(d) Commissioners shall be reimbursed for their actual and necessary expenses, including local travel expenses, incurred in the discharge of their duties, and may receive such other compensation as may be determined, from time to time, by the council.

(e) The community development authority shall have all powers, duties and functions set out in §§ 66.1201 and 66.1333(1) and (2) Wis. Stats. for housing and redevelopment authorities, and as to all housing projects initiated by the community development authority, it shall proceed under § 66.1201 Wis. Stats. and as to all projects

relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under §§ 66.1301—66.1327(3), 66.1331, 66.1333, 66.1337, or 66.1105 Wis. Stats. as determined appropriate by the council on a project-by-project basis. (f) As to all community development programs and activities undertaken by the city under the Federal Housing and Community Development Act of 1974, the community development authority shall proceed under all applicable laws and other ordinances of the City of Marshfield not inconsistent with the laws of this state.

(Code 1982, § 1.44)

Sec. 2-104. Convention and visitors bureau.

(1) *Creation.* The convention and visitors bureau (CVB) is established as a commission pursuant to § 66.0615(1m)(b) Wis. Stats.

(2) *Board of commissioners.* The membership of the CVB board shall be comprised of six members, one of whom shall be an alderperson, one a member in good standing of the Marshfield Area Chamber of Commerce and Industry, one actively engaged in the management of a hotel or motel in the City of Marshfield, one actively engaged in the management of a restaurant in the City of Marshfield, and two citizens appointed at large. The terms shall be for one year, commencing May 1 in each year. All appointments shall be made by the mayor and confirmed by the council. The CVB shall establish its own bylaws and rules of procedure, which shall be subject to approval by the council.

(3) *Powers and duties.* The CVB will have all those powers and duties provided at § 66.0615 Wis. Stats. for such commission.

(Ord. No. 1015, § 1, 3-23-2004; Ord. No. 1153, § 1, 6-23-2009)

Sec. 2-105. Board of Marshfield Fairgrounds Commission.

(1) Pursuant to City of Marshfield Resolution No. 83-41, and agreement pursuant to that resolution, the board of Marshfield Fairgrounds Commission shall have full, complete and exclusive jurisdiction of the city-owned fairgrounds, including improvements and maintenance of the facilities and buildings, and the use thereof.

(2) Three alderpersons of the city shall be appointed to the board of fairgrounds commissioners annually at the first regular meeting of the council, to act as commissioners for a one-year term.

(3) All business of the board of Marshfield Fairgrounds Commission shall be conducted pursuant to Resolution No. 83-41, as amended by Resolution No. 93-57, which resolutions are incorporated in this section by reference, subject to agreements pursuant to such resolutions and further joint resolutions of the council and the Wood County Board of Supervisors.

Sec. 2-106. Business improvement district board.

(1) The Common Council of the City of Marshfield created a business improvement district on November 27, 1990 and authorized the levy of assessments on properties located within the district for the purpose of funding Marshfield's Main Street Program costs.

(2) The business improvement district shall be managed by a board of directors. Responsibilities of the board shall include the implementation of the operating plans and preparation of annual reports. The board shall also consider, on an annual basis, changes to the operating plan for consideration of the common council.

(3) The board of directors shall consist of seven members appointed by the mayor and confirmed by the common council at the annual organizational meeting. A majority of the members of the board shall either own or occupy commercial or service-oriented real estate in the district and one member shall be a member of the common council. Citizen members of the board shall serve staggered three-year terms and the common council member shall be appointed annually at the organizational meeting. The board shall conduct its affairs consistent with the requirements of the Wisconsin Open Meetings and Open Records Statutes.

Sec. 2-314 Joint Municipal Court

(1) AUTHORITY. The City of Marshfield (City), and the Village of Spencer (Village), Marathon and Wood County, Wisconsin, acting pursuant to Sec. 61.34(1), Wis. Stats., are hereby authorized to and do establish a joint Municipal Court, as described in 2-414(4), below.

(2) PURPOSE. The purpose of this chapter shall be to promote the general health, safety, and welfare and to maintain required local uniformity of the enforcement of the participating City and Village.

(3) SCOPE. The scope of this ordinance includes enforcement of all ordinances adopted by the participating City and Village which ordinances are in effect as of the effective date of this chapter, together with all such ordinances adopted hereinafter and during the existence of the described Municipal Court.

(4) JOINT MUNICIPAL COURT. Pursuant to the authority granted by Chapter 755 Wis. Stats., there is hereby created and established a Municipal Court for the joint exercise of the power granted to the City of Marshfield and Village of Spencer under Sec. 755.01(1), Wis. Stats., to be designated as the "Marshfield Area Municipal Court" said court to become operative upon the date of the enactment of identical ordinances and ratification of an operating agreement by each affected municipality. For purposes of this requirement, the term "identical ordinances" shall refer to ordinances which contain the same, exact substantive terms and conditions; nonetheless, it shall not be required that each municipality number or otherwise include this ordinance within its respective code of ordinances using the same, exact nomenclature.

(5) MUNICIPAL JUDGE.

a. Office Created – Pursuant to Section 755.01, Wis. Stats., there is created the office of municipal judge for the City and Village. The Municipal Judge shall be a resident of the City of Marshfield or Village of Spencer.

b. Oath and Bond- The Judge shall, after election or appointment to fill a vacancy, take the official oath as prescribed in Sec. 757.02(1), Wis. Stats., and file such oath with the City Clerk for the City of Marshfield. At the same time, the Judge shall execute and file an indemnity bond with the City Clerk for the City of Marshfield in an amount of $5,000. The Judge shall not act until the oath and bond have been filed as required by Sec. 19.01(4)(c) Wis. Stats. and the requirements of Sec. 755.03(2) have been complied with.

c. Salary- The salary of the Municipal Judge shall be set by resolution of the City Council of the City of Marshfield and shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath. The salary may be increased by resolution of the Marshfield City Council before the start of the second or subsequent year of service of the term of the Judge, but shall not be decreased during the term.

d. Election Term -The municipal judge shall be elected at large at the spring election in odd numbered years for a term of four (4) years commencing on May 1 next succeeding his or her election.

e. Jurisdiction – The Municipal Court Judge shall have jurisdiction as provided by law and W.S.A. s.755.045 and exclusive jurisdiction of violations of City of Marshfield and Village of Spencer ordinances, resolutions, and bylaws.

(6) MUNICIPAL COURT.

a. Hours- The Municipal Court shall be open on the days and hours established by the Municipal Court Judge subject to the approval of City Council and Village Board.
b. Employees – The Municipal Judge shall appoint, in writing, such clerks and deputy clerks as are authorized by the City Council and Village Board. The compensation of any employees of the court shall be set by the City Council. The City Council shall also determine the fringe benefits to be provided and the hours of service.
c. Location- The Municipal Judge shall keep his office and hold court sessions in the Marshfield City Hall or at a location as determined by the City of Marshfield Common Council.

(7) COLLECTION OF FORFEITURES AND COSTS. The Municipal Judge shall collect all forfeitures, taxable costs, and assessments in any action or proceeding, shall pay over such moneys to the City of Marshfield Finance Director within seven (7) days of receipt. At such time, the Municipal Court shall report to the City of Marshfield Finance Director the title, nature of offenses, and amount of judgments imposed in actions and proceedings in which such monies were collected in accordance with Wis. Stats. Sec. 800.10(2). Should the Judge at any time fail to so report and deposit, his or her salary shall be suspended until such reports and deposits are made current.

(8) CONTEMPT OF COURT.
a. The Municipal Judge may punish for contempt of Municipal Court persons guilty of any of the following acts. "Contempt of Court" means intentional:
i. Misconduct in the presence of the Court, which interferes with the Court proceeding or with the administration of justice or which impairs the respect due the court.
ii. Disobedience, resistance, or obstruction of the authority, process, or order of the Court (including refusal to pay a court-imposed forfeiture).
iii. Refusal as a witness to appear, be sworn, or answer a question.
iv. Refusal to produce a record, document, or other object.
v. The act of unlawfully detaining within Marathon and Wood County any witness or party to an action while going to, remaining at or returning from Court where such action has been set for hearing or trial and any other unlawful interference with the process or proceedings in any action within the County of Marathon and Wood.
b. Contempt committed in the immediate view or presence of the Municipal Judge, and after the party so charged being heard in his defense, may be punished summarily. In other cases, the party shall be notified of the accusation and have a reasonable time to make his defense.
c. The Municipal Judge may, upon finding any person guilty of contempt of court, order such person to forfeit not more than $50. In default of payment of the forfeiture and the penalty assessment imposed by state statute, the person found guilty of contempt may be imprisoned in the county jail not to exceed seven days.

(9) STIPULATIONS AND DEPOSITS.
a. Deposits for Ordinance Violations. The Municipal Judge shall establish and submit to the City Council and Village Board for approval in accordance with Sec. 800.03(3), Wis. Stats., a schedule of deposits for violations of City and Village ordinances.
b. Deposits for Traffic and Boating violations. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with Sec. 345.27 and boating regulations enacted in accordance with Sec. 30.77 Wis. Stats.
c. Stipulations and Deposits in Lieu of Court Appearances. Persons cited for violations of City and Village ordinances, or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Sec. 800.03, Sec.800.04, and Sec. 800.09 Wis. Stats.

(10) ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS

a. The Municipal Court shall have the authority to impose alternative dispositions and sanctions in Municipal Court.

b. For a juvenile adjudged to have violated a municipal ordinance, the Court is authorized to impose any of the dispositions listed in W.S.A. ss.938.343 or 938.344, in accordance with the provisions of those statutes.

c. For a juvenile adjudged to have violated a municipal ordinance who violates a condition of a dispositional order of the Court under W.S.A. s938.343 or 938.344, the Municipal Court is authorized to impose any of the sanctions listed in W.S.A. s 938.355(6)(d), in accordance with the provisions of those statutes.

d. The Municipal Court, in imposing a disposition under this section, shall order the juvenile to pay, in addition to any forfeiture, the costs of any counseling, safety program or alcohol or drug abuse assessment, including treatment, costs of electronic monitoring detention and placement in any detention facility.

e. This section is enacted under the authority of W.S.A. s 938.17(2)(cm).

(11) MUNICIPAL COURT ABOLISHMENT.

a. In general, the Marshfield Area Municipal Court may be abolished at the end of any term for which the Judge has been elected, upon action taken by the Marshfield City Council or Spencer Village Board to either repeal this ordinance and transmittal of a certified· copy of an ordinance abolishing the Marshfield Area Municipal Court to the appropriate filing officer under s. 11.02(3e), Wis. Stats. To abolish the court it is not required that the City and Village take similar action. The act of one of the governing boards to repeal its ordinance in accord with the terms thereof shall be sufficient. In the event the City of Marshfield City Council or Spencer Village Board deem it to be in their best interests to abolish the Joint Municipal Court created under this ordinance, they shall take such action no less than 60 days prior to the date on which the first nomination papers must be filed for the Municipal Judge's next term.

b. Delivery of Books and Records by Judge. In accordance with s. 755.12, Wis. Stats., within ten (10) days after the effective date of the abolition of the Marshfield Area Municipal Court, the Judge shall separate the court records, books, files, moneys and bonds according to the municipalities involved and deliver them to the appropriate City or Village Clerk

(12) TRANSITIONAL PERIOD OF JOINT MUNICIPAL COURT.

a. Marshfield Area Municipal Judge to Preside Pending Initial Election. In the event that this ordinance is adopted by each of the City of Marshfield or Village of Spencer to take effect at a time in advance of the commencement of the next term of office for the Municipal Judge, the Municipal Judge of the City of Marshfield, an existing Municipal Court, shall continue to serve as the Judge of the Joint Municipal Court until the end of the current term of office.

b. Vacancy in Office of Municipal Judge. In the *event* of a permanent vacancy in the office of the Marshfield Area Municipal Judge pending the initial election of the Joint Municipal Judge under this ordinance, the office of Municipal Judge may be filled by temporary appointment by the Marshfield City Council and Spencer Village Board acting jointly. The office shall then be permanently filled by special election by the electors of the City and Village held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the succeeding spring election, and no such election may be held after the expiration of the term of office nor at any time of holding the regular election for the office.

(13) OPERATING AGREEMENT. In accordance with s. 755.01(4), Wisconsin Statutes, the City of Marshfield and Village of Spencer shall enter into a joint operating agreement to exercise the authority under s. 755.01(1), Wisconsin Statutes.

(14) AMENDMENTS TO ORDINANCE. This ordinance, whose substantive terms shall be adopted by the City of Marshfield and Village of Spencer, shall not be deemed to have been amended by either of the Governing Boards unless and until each of the Governing Boards shall adopt the same, exact ordinance amending or creating this ordinance.

(ORD 1318, 10/13/15)

Chapter 3

GOVERNING BODY

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Article I. In General

Sec. 3-01. Common council.

(1) The common council of the City of Marshfield (referred to in this Code as the "council") shall consist of the mayor and one alderperson from each of the ten aldermanic districts.

(2) The council shall have all powers of the city not specifically given to some other body or officer, except as otherwise provided in the state statute, or in this Code. The council shall have the management and control of the city property, finances, highways, navigable waters and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulations, suppression, borrowing of money, taxation, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language.

(3) The mayor shall have the veto power as to all acts of the council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval, evidenced by his signature, or upon his failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If the mayor disapproves he shall file his objections with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council may then make the act effective notwithstanding the veto of the mayor.

(Code 1982, § 2.01)

Sec. 3-02. Meetings.

(1) *Regular meetings.* Following a regular city election for the purpose of organization, the council shall meet on the third Tuesday of April. Regular meetings of the council shall be held on the second and fourth Tuesdays of each calendar month at 7:00 p.m. Any regular meeting falling on a legal holiday or on December 24 shall be held instead at a date and time set in advance by the council. All meetings of the council, including special and adjourned meetings, shall be held in the city hall, except as determined from time to time by the council.

(2) *Special meetings.* Special meetings of the council may be called by the mayor or any two alderpersons in writing, prior to the time specified for such meeting. The clerk shall immediately notify the media as required by the Open Meeting Laws and each alderperson of the time and purpose of such meeting by causing a written notice thereof to be electronically sent or delivered to each alderperson personally, if he can be found, or, if he cannot be found, then by leaving a copy of such notice at the home of such alderperson at least six hours before the meeting. The clerk shall cause an affidavit showing the service of such notice as provided in this subsection to be filed in his office prior to the time fixed for such special meeting. Special meetings may be held without such notice when all members of the council are present in person or consent in writing to the holding of such meeting, such written consent to be filed with the clerk prior to the beginning of the meeting. Any special meeting attended by all the alderpersons shall be a regular meeting for the transaction of any business that may come before such meeting.

(3) *Adjournments.* The council may, by a majority vote of those present, but not less than three affirmative votes, adjourn from time to time to a specific date and hour.

(Code 1982, § 2.02)

Sec. 3-03. Presiding officer.

(1) *Designated.* The mayor shall preside, except for council meetings in regard to the budget, at which the chairman of the finance, budget and personnel committee shall preside. In the absence of the mayor, the president of the council shall preside. In the absence of both the mayor and the president, the clerk shall call the meeting to order and preside until the alderpersons present elect one of their number acting mayor for that meeting.

(2) *Duties.* The presiding officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or by the rules in this chapter.

(3) *Appeals from decisions.* Any member may appeal from a decision of the presiding officer. An appeal shall be sustained by a vote of the council.

(Code 1982, § 2.03)

Sec. 3-04. Roll call; quorum.

(1) *Roll call; procedure when quorum not in attendance.* As soon as the council is called to order, the clerk shall proceed to call the roll. If there is not a quorum present, the fact shall be entered on the journal and the council may adjourn.

(2) *Quorum.* Two-thirds of the members shall constitute a quorum, as provided by § 62.11(3)(b) Wis. Stats. The mayor shall not be counted in computing a quorum.

(Code 1982, § 2.04)

Sec. 3-05. Order of business

The business of the council shall be conducted in the following order:

(1) Call to order

(2) Roll call

(3) Pledge of allegiance

(4) Invocation (if available)

(5) Citizen Comments.

(6) Approval of past Council minutes

(7) Staff updates

(8) Mayor’s comments*

(9) Council Comments*

(10) Reports from commissions, boards, and committees

(11) Consent Agenda (with resolutions not needing separate approval placed under minutes)**

(12) Consideration of items removed from the consent agenda.

(13) Presentations (for information only, with no action required: Council may choose to move a presentation to another place on the agenda to accommodate the presenter's schedule.)

(14) Action items (this includes budget resolutions, resolutions requiring separate approval, ordinances, contracts, etc., but with flexibility on the order in which they are presented)

(15) Discussion items

(16) Closed Session (if applicable)

(17) Items for future agendas

(18) Adjournment.

(*Note: "Mayor's comments" and "Council comments" are intended for information purposes only, and must clearly indicate the subject matter in a manner reasonably likely to advise the news media and general public if any discussion or debate is anticipated. **Consent agenda may include communications, minutes and reports of committees, boards, and commissions, and any resolutions not requiring separate approval motions.)

(Code 1982, § 2.05; Ord. No. 1019, § 1, 4-27-2004; ORD 1292 12/16/14)

Sec. 3-06. Clerk pro tem.

In the absence of the clerk, the deputy clerk or designee shall act as clerk pro tem.

(Code 1982, § 2.06)

Sec. 3-07. Call of the council.

A call of the council may be requested at any time by two or more members and a police officer designated as bailiff shall be sent for absent members, but a call shall not be made after voting has commenced. When a call of the council has been requested and ordered, the door shall be closed until the report of the police officer has been received and acted upon or until further proceedings under the call are dispensed with by a majority of the entire council.

(Code 1982, § 2.08)

Sec. 3-08. Disturbances and disorderly conduct.

Whenever any disturbance or disorderly conduct occurs in any meeting of the council, the presiding officer may cause the room to be cleared of all persons guilty of such disorderly conduct except any alderperson. If any alderperson is guilty of disorderly conduct, the presiding officer may order the police to take him into custody for the time being or until the meeting adjourns. Such member may appeal from such order to the council as in other cases.

(Code 1982, § 2.09)

Sec. 3-09. Publication and effect of ordinances.

(1) *Publication.* All general ordinances of the city and all regulations imposing a penalty shall be published in the official papers of the city as required by law and shall be immediately recorded with the affidavit of publication by the city clerk in a book kept for that purpose. A printed copy of such ordinance or resolution on any book, pamphlet or newspaper and published or purporting to be published therein by direction of the council shall be prima facie proof of due passage, publication and recording thereof.

Effective date. Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication, and published copies thereof shall have appended the date of first publication.

(Code 1982, § 2.15)

Sec. 3-10. Aldermanic districts and aldermanic district boundaries.

There shall be ten aldermanic districts in the City of Marshfield, composed of 27 wards, which shall be bounded as set forth in city Resolution No. 2001-54 "WARD BOUNDARY DESCRIPTIONS, JUNE 2001." The aldermanic districts shall be comprised of the following described wards:

1. *First aldermanic district.* The first aldermanic district shall consist of wards 1, 11, and 21.

2. *Second aldermanic district.* The second aldermanic district shall consist of wards 2 and 12.

3. *Third aldermanic district.* The third aldermanic district shall consist of wards 3 and 13.

4. *Fourth aldermanic district.* The fourth aldermanic district shall consist of wards 4 and 14.

5. *Fifth aldermanic district.* The fifth aldermanic district shall consist of wards 5 and 15.

6. *Sixth aldermanic district.* The sixth aldermanic district shall consist of wards 6, 16, 25 and 26.

7. *Seventh aldermanic district.* The seventh aldermanic district shall consist of wards 7, 17 and 27.

8. *Eighth aldermanic district.* The eighth aldermanic district shall consist of wards 8, 18 and 23.

9. *Ninth aldermanic district.* The ninth aldermanic district shall consist of wards 9, 19 and 22.

10. *Tenth aldermanic district.* The tenth aldermanic district shall consist of wards 10, 20 and 24.

(Code 1982, § 2.16; Ord. No. 981, § 1 (2.16(1)), 6-24-2003; Ord. No. 981, § 2 (2.16(10)), 6-24-2003; Ord. No. 1003, § 1, 11-25-2003; Ord. No. 1029, § 1, 9-28-2004; Ord. No. 1053, § 1, 6-28-2005; Ord. No. 1078, § 1, 9-12-2006; Ord. No. 1213, § 1, 10-11-2011; ORD 1319)

Secs. 3-11—3-35. Reserved.

Article II. Rules of Order

Sec. 3-36. Established.

(1) When two or more members of the council simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

(2) No person other than a member shall address the council unless authorized by the mayor or by the vote of a majority of the council members present.

(3) No motion shall be discussed or acted upon until it has been seconded. No motion shall be withdrawn without the consent of the person making the motion and the person seconding it.

(4) When a question is under discussion, no other action shall be in order except the following motions which shall have precedence in the order listed:

(a) To adjourn;

(b) To lay on the table;

(c) To move the previous question;

(d) To postpone to a certain day;

(e) To refer to committee;

(f) To amend; or

(g) To postpone indefinitely.

(5) Any member desiring to terminate debate may move the previous question, in which event the presiding officer shall announce the question as, "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the council to a direct vote, first upon any pending amendments and then upon the main question.

(6) Any alderperson may demand an aye and nay vote on any matter, and such vote shall be entered in the proceedings. A majority vote of all members of the council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval unless a larger number is required by statute including budget resolutions pursuant to § 65.90(5) Wis. Stats. Except as otherwise provided by the rules in this chapter, a majority vote of those present shall prevail in all other cases.

(7) A motion to adjourn shall always be in order, and a motion to adjourn or to lay on the table and a call for the previous question shall be decided without debate.

(8) All ordinances, resolutions, communications and other matters submitted to the council shall be read by title and author and, when deemed necessary or advisable, referred to an appropriate committee by the council. The mayor shall read each matter into the record. The clerk shall record each such reference by title. Any alderperson may require the reading in full of any matter at any time it is before the council.

(9) All ordinances presented to the council, by whatever method, shall only be acted upon by the council at the next regular meeting, unless this provision is suspended pursuant to section 3-38 of this chapter.

(10) All resolutions or other actions appropriating money or creating any charge against the city other than the payment of claims for purchases or work previously authorized by the council, including resolutions authorizing general obligations bonds or notes, may be acted upon by the council at a meeting at which such resolution or other action is presented, either by the mayor, an alderperson, the city administrator or a committee of the council, unless a deferment to the next regular meeting is requested by the mayor and any three alderpersons or by any four alderpersons, expressed in a vote duly taken for that purpose.

(11) Whenever the presiding officer shall desire to speak upon any question, or to make any motion, except to impart information, he shall vacate the chair and designate the president of the council, if present and, if not, any alderperson to preside temporarily.

(Code 1982, § 2.07)

Sec. 3-37. Amendment of rules.

The rules of order shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting and then it shall require a vote of two-thirds of all the members of the council.

(Code 1982, § 2.13)

Sec. 3-38. Suspension of rules.

The rules of order or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

Secs. 3-39—3-65. Reserved.

Article III. Committees

Sec. 3-66. Standing committees.

Appointment. The following committees shall be appointed by the mayor at the organizational meeting in April of each year. All appointments shall be for a term of three years, except for alderpersons whose terms shall be for one year, commencing on May 1 of each year, subject to confirmation by the council. All vacancies for an unexpired term on any such committee shall be filled in the same manner as the appointment for a full term.

1. *Board of public works.* The board of public works shall be composed of five alderpersons, who are not also serving on the finance, budget and personnel committee. The director of public works or his designee shall act as nonvoting secretary. It shall be the duty of the board, under the direction of the council, to superintend all public works and keep the streets, alleys, sewers and public works and places in repair. The board of public works shall perform the duties prescribed, as applicable, in § 62.14 Wis. Stats. and shall in addition recommend all actions necessary or proper in connection with the management, supervision, improvement and operation of the city cemetery, including a schedule of charges to be made for lots therein. The committee shall make such additional regulations for the government and operation of portions thereof and the care of graves, both annual and perpetual, as the committee deems advisable and necessary. Such regulations, after approval by the council and publication in the official newspaper, shall have the force of law.

2. *Finance, budget and personnel committee.* This committee shall be composed of five alderpersons who are not also serving on the board of public works. The city clerk or designee shall serve as nonvoting secretary. This committee, or its designee, shall examine all bills against the city, except those bills over which some other body has lawful jurisdiction, and except those claims arising outside of the ordinary course of business operations of the city, but this committee shall recommend such bills for payment. The committee also shall supervise all debt issues; shall supervise all leases of City facilities between the city and other parties;shall supervise all insurance carried by the city; shall have general supervision of the employment and dismissal of all city employees subject to the recommendation of the departments concerned and the approval of the council; and shall have such other duties as may, from time to time, be designated by the council.

3. *Judiciary and license committee.* This committee shall be composed of three alderpersons. The mayor shall also appoint an alderperson as an alternate member of the committee, subject to confirmation of the council. The alternate shall act, with full power, only when a member of the committee is absent. The city clerk or designee shall serve as nonvoting secretary. This committee shall investigate and recommend for

payment or disallowance all claims against the city other than the regular bills and claims received in the ordinary course of the city's business operations; shall conduct the investigation for and shall recommend the issuance or rejection of all licenses granted by the city, except as otherwise wise specifically provided by law or ordinance; This committee shall also have general supervision of the preparation of all charter ordinances proposed for adoption by the council unless otherwise designated by the council.

4. *Airport committee.* This committee shall be composed of five members, one of whom shall be an alderperson, appointed by the mayor and confirmed by the council to a one year term at the organizational meeting in April of each year. The remaining members shall be appointed in April to staggered terms. The airport manager shall serve as nonvoting secretary. Jurisdiction for the construction, improvement, equipment, maintenance and operation of the municipal airport and authority to adopt regulations, fees and charges, is hereby vested in the airport committee, subject to the approval of the council.

5. *Parks, recreation and forestry committee.* This committee shall be composed of seven members, one of whom shall be an alderperson, one of whom shall be a member of the zoological society board of directors, and five others who shall be citizen members. The members shall serve three-year terms, with two members being appointed each year, except that the alderperson member shall serve a term of one year at a time. The parks and recreation director shall serve as an ex officio member, and the director shall also serve as secretary to the committee. The committee shall be responsible for formulating policies and general regulations for all city parks, including Wildwood Zoo, fairgrounds (subject to the jurisdiction of the fair commission), pedestrian/bicycle trails and other city facilities as provided further in chapter 21 of this Code.

6. *Committee on aging.* This committee shall be composed of seven members, one of whom shall be an alderperson, one member shall be a citizen at large and one member shall be designated a representative of the Marshfield Senior Citizen Council. Functions of the committee are as follows:

    a. To advise the council regarding overall aging issues within the city, including seniors' programs and proposed usage of municipal senior facilities and to encourage community seniors to become more involved in aging issues.

    b. To examine the need for future community services and programs for the older adult and to assist in the development of such services and programs as established to be necessary and desirable for the citizenry of Marshfield.

    c. To gather and disseminate information regarding services, programs and facilities available.

    d. To encourage and foster the development of programs for older adults by civil, religious, fraternal and other interested groups.

    e. To provide coordination between local programs for the elderly and state and national programs for the aging.

7. *Emergency management committee.* The emergency management committee shall be as provided in chapter 7 of this Code.

8. *Cable TV (nonbroadcast telecommunications facilities) Committee.* Duties and membership of the Cable TV (nonbroadcast telecommunications facilities) Committee shall be as follows:

    a. *Duties.* The Committee shall act in an advisory capacity to and shall be under the direct supervision of the Council.

    b. *Membership.* The Cable TV Committee shall consist of seven voting members appointed by the Mayor, subject to confirmation by the Council. Of the seven members, one member shall be an alderperson appointed by the Mayor and confirmed by the Council to a one-year term at the organizational meeting in April of each year. The remaining members shall be citizens at large and

shall serve staggered terms of three years, commencing on May 1 of each year. One person each designated by the Marshfield public school system, Marshfield private school systems, the University of Wisconsin Marshfield/Wood County, and Mid-State Technical College shall serve as nonvoting members of this Committee, in an advisory capacity. The City Clerk's office or designee will serve as the secretary to the Committee.

c. *Responsibilities.* The Committee shall formulate a budget for its operations, shall serve as the advocate for consumers of video broadcast services and shall process consumer and citizen complaints and other correspondence related to video broadcast service and as to any Video Service Provider or Cable Operator, which information, at the discretion of the Committee, can be submitted to any state or federal agency delegated oversight or licensing responsibilities for Video Service Provider or Cable Operator, and shall recommend action in connection therewith to the Council, and shall recommend such other duties and shall have such other responsibilities as may be imposed upon it, from time to time, by the Council. The Committee shall hold any hearings deemed necessary in connection with such policies, and shall determine the method of and procedures for holding such hearings. To the extent that anything contained in this subsection conflicts with subsection (b) of this subsection, subsection (b) is hereby deemed amended.

9. *Committee on health.* Repealed

10. *Committee on Youth.* This Committee shall be composed of 25 voting members appointed by the Mayor and confirmed by the Council. Two representatives of each class, grades 7 through 12, from each middle and high school shall be appointed to a one year term commencing September 15th of each year. One alderman shall be appointed to a one (1) year term commencing May 1st of each year. The Committee shall:

a. Encourage youth participation and leadership through volunteerism and community involvement.

b. Conduct surveys to determine input from youth in the community regarding areas of interest and other needs of youth.

c. Listen, clarify, and prioritize the needs of young people in Marshfield and make plans to respond to those needs in a comprehensive and effective manner.

d. Identify concerns and issues of special importance and communicate those issues by making recommendations to the Mayor and the City Council on matters affecting youth in the community.

e. Explore avenues to promote mutual understanding, respect and community involvement amongst youth of all cultures and backgrounds.

f. Educate the community on youth issues, programs and activities, and enhance the positive image of youth in the community.

g. Promote programs, activities and other resources available to youth in the community.

h. Promote core values of: Inclusion, Engagement, Empowerment, Leadership and Teamwork amongst Committee participants.

i. Assist in planning, recommending and implementing youth activities.

j. Further enhance the line of communication between youth, youth serving agencies, organized recreation programs and adults in the community.

Student committee members shall be selected based upon recommendations from staff at Marshfield Senior High School and Columbus High School.

A youth committee member may be re-appointment from year to year if interested. There is no limit to the number of terms an individual may serve.

The Committee will elect a Chairman, Vice Chairman, and Secretary at the October meeting.

Action taken and recommendations made by the Committee on Youth will be subject to the approval of the Common Council.

11. Sustainable Marshfield Committee: Repealed

12. Housing Rehabilitation Committee. This committee shall be composed of five members, one of whom shall be an alderperson, one member representing local businesses, one member representing local lending institutions, and two members at large. Members other than the alderperson may, but need not, be residents of the City of Marshfield. Members shall be appointed by the mayor and approved by the common council for two-year terms to run concurrent with the term of the mayor. The committee shall administer the Community Development Block Grant Housing Program to insure compliance with all regulations related to the program and with the City's contracts with the Department of Administration. The responsibilities of the committee include:

    a. Establish and adopt procedures and guidelines for implementation of the program;

    b. Review and approve or disapprove all applications for funds;

    c. Approve or disapprove disbursements; authorize payment of CDBG funds;

    d. Resolve complaints and disputes within the program; and

    e. Perform other duties as required to successfully administer the Community Development Block Grant Housing Program.

    f. Meetings will be held as needed to fulfill the committee responsibilities set forth above

13. Economic Development Board

    a. Need. To direct, oversee, and coordinate all economic development activities related to the investment of City funds, to adopt plans and strategies designed to foster business growth and development, and to ensure that the City and participating organizations work in a cooperative manner to promote coordinated economic development in the community.

    b. Duties. The Board shall perform a variety of duties related to its mission including, but not limited to: Prepare and maintain a comprehensive economic development plan; prepare and maintain bylaws and procedures; act as the City's agent in committing economic development resources; prepare an annual budget, with funding allocations for all participating organizations; identify other possible funding sources; coordinate efforts to effectively and efficiently meet its critical objectives; communicate frequently with all participating organizations, the general public, and the Common Council. To achieve its mission, the Board may seek assistance from all local, regional, and state organizations that may add value to economic development in the City of Marshfield.

    c. Members. The Board of Directors will be comprised of eight (8) members, including two (2) members of the Common Council, one (1) member representing Marshfield Utilities and five (5) members from the community at large. Ideal Board members shall have education, experience, or background in one or more areas related in some way to economic development. Common Council and Marshfield Utility representatives on the Board shall be appointed annually by their respective body. Community members serving on the Board shall initially be appointed for a term of one year, after which a schedule of staggered terms shall be implemented. The Board will initially meet monthly; however, the frequency may be reduced, once the comprehensive plan and initial strategies have been adopted

(Code 1982, § 2.10; Ord. No. 1063, § 1, 11-22-2005; Ord. No. 1074, § 1, 8-22-2006; Ord. No. 1085, § 1, 10-10-2006; Ord. No. 1107, § 1, 7-24-2007; Ord. No. 1160, § 1, 9-8-2009; Ord. No. 1172, § 1, 1-12-2010, ORD 1243 3-12-13, Ord 1243, 04/12/13; ORD 1274 4/22/14;ORD 1296 3/10/15; ORD 1297 3/24/15; ORD 1301 5/26/15)

Sec. 3-67. Special committees.

(1) *Committee of the council.* The mayor may declare the entire council a committee of the whole for informal discussion at any meeting or for any other purpose and shall be the ex officio chairman of the committee, provided there is no objection by any one of the alderpersons present at the meeting.

(2) *Appointment.* The mayor may appoint such special committees as he may deem advisable or as provided for by motion, resolution or ordinance of the council stating the number of members and object thereof to perform such duties as may be assigned to them.

(Code 1982, § 2.11)

Sec. 3-68. Committee procedure.

(1) *Rules, records, agenda.* Each committee of the council shall make rules for its own proceedings, including the appointment of a chairman, a vice-chairman, and secretary, except as specifically provided elsewhere. The secretary shall keep a record of the meetings and shall report the minutes thereof to the council, pursuant to subsection (4) of this section. The city clerk shall prepare and distribute the agenda.

(2) *Quorum.* A majority of the membership of each board of committee shall constitute a quorum for conduct of business. A majority of the quorum shall be necessary for passage of motions unless otherwise stated in this article.

(3) *Time of meetings.* All boards, commissions and committees shall meet monthly unless otherwise stated in this article.

(4) *Submission of reports.* Each committee shall submit a written report of its minutes including all matters referred to it, unless a longer time is granted by vote of the council, and such report shall be entered in the proceedings. Such report shall recommend a definite action of the council on each item, shall be signed by the secretary of the committee and shall be filed with the clerk prior to each council meeting. Minority reports may be submitted.

(5) *Notice of meetings.* Previous notice of each committee meeting shall be filed with the clerk by the chairman, and each meeting shall be open to the public.

(6) *Information from city officials.* Any committee may require any city official to confer with it and supply information needed in connection with any matter pending before the committee by not less than 48 hours' notice.

(7) *Committee reports.* Committee reports shall be in accordance with the following:

a. Any aye and nay vote shall be taken on each committee report immediately following its submission, provided that any alderperson may move for a separate vote on any item in the minutes of the committee report. Upon a majority vote of the council, upon such item separately, the alderperson requesting a separate vote shall move such action on the specific time he or she may deem appropriate. If such motion is defeated or does not obtain a second, the action taken by the committee shall be approved as provided in subsection (b) of this subsection.

b. The approval of a committee report by the council shall comprise final action on any action approved by a council committee, except all ordinances and resolutions shall be voted on separately by the council.

(Code 1982, § 2.11)

Chapter 4

FINANCE AND PERSONNEL

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Article I. In General

Sec. 4-01. Fiscal year.

The fiscal year of the city shall be the calendar year.

(Code 1982, § 3.02)

Sec. 4-02. Budget.

(1) *Generally.* The budget of the city shall be determined in accordance with § 65.90 Wis. Stats.

(2) *Changes in budget.* The amount of tax to be levied or certified, the amounts of the various appropriations and the purposes for such appropriations stated in the budget, after any alterations therein made pursuant to the hearing required by § 65.90Wis. Stats., shall not be changed unless authorized by a vote of the council required by § 65.90(5) Wis. Stats., and the city clerk shall publish a notice of such change within ten days in the official newspaper.

(3) *Budget resolutions.* No account established by the council in an annual budget of the city, adopted after public hearing thereon as provided by law, shall be overdrawn, changed, or transferred to or from, unless authorized by a budget resolution duly adopted by the council. Such resolution shall be presented by the committee on finance, budget and personnel, upon recommendation of the department concerned, and shall clearly show the change proposed to be made, in substantially the following form:

BUDGET RESOLUTION NO. 20 (year)

A resolution changing the 20 (applicable year) budget of the City of Marshfield, Wisconsin.

BE IT RESOLVED by the Council of the City of Marshfield as follows:

1. That the sum of $ is hereby transferred from the account to the account.

2. That upon the adoption of this resolution by a 2/3 vote of the entire membership of the Council, and within 10 days thereafter, the City Clerk shall publish notice of this change in the official newspaper.

ADOPTED _____
_____ Mayor

APPROVED _____ Attest:
_____
City Clerk

PUBLISHED _____

Such budget resolutions shall be consecutively numbered for the year concerned and, when adopted, shall be filed by the clerk with the budget for the year concerned. All budget resolutions must be adopted by the council in the same fiscal years that they pertain to.

(4) *Preparation.* All departments and officers of the city for which a budget is to be established shall prepare and present their requests for funds to the finance director not later than September 1 of each year. The finance director shall summarize these requests for the city administrator's review. The city administrator

shall prepare the budget for the year, and the same to the council as soon as possible thereafter for its consideration.

(5) *City funds to be spent in accordance with appropriations.* No money shall be drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the appropriations authorized in the adopted annual budget to or when changed as authorized by subsection (2) of this section. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the council, to be paid out of the income of the current year, in furtherance of improvement or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made has been accomplished or abandoned, subject to policies and procedures established by the city.

(Code 1982, § 3.03)

Sec. 4-03. Compensation schedule.

(1) Except as provided in this section, the following schedule of compensation shall be in effect for the following elective officers of the City of Marshfield, until changed by ordinance adopted in conformity with Wisconsin law:

(a) *Mayor.* Compensation of the mayor shall be $22,500.00 per year plus an in-town expense account of $150.00 per month. Meal expenses incurred by the mayor for himself or on behalf of guests of the city incidental to the conduct of city business shall be reimbursable over and above the expense account payment of $150.00 per month.

(b) *Alderpersons.* Compensation of alderpersons shall be $45.00 per regular or special meeting attended and $2,920.00 per year for committee work, except that the alderpersons shall not during the term of such office collect salary in excess of the salary provided at the commencement of his/her term of office.

(c) *Other elected officials.* Other elected officials shall receive an annual salary to be set by the council, to be paid monthly. Such salary shall not be adjusted during the term of office. No salary shall be paid for any time during the term for which any such officer has not executed and filed his or her official oath and bond.

(2) The compensation to be paid to all other officers and employees of the City of Marshfield shall be as fixed by the council upon recommendations of the finance, budget and personnel committee, and/or other committees, boards, and commissions, except as to officers or employees whose compensation is otherwise determined by law, whose compensation will be established by resolution adopted by the council.

(3) In addition to any compensation paid to the mayor and alderpersons, they shall be entitled, while on authorized trips for the city, to reimbursement of their expenses and the sum of $100.00 per diem. Authorization for payment of such expenses and per diem must be obtained by the city officer or employee from the mayor, or in the mayor's absence, from the president of the council, or the city administrator, prior to embarking on such trip.

(4) The city shall continue to pay a portion of the premiums on the group life insurance, group dental insurance and the group accident and health insurance programs presently in effect, in such amount as has been established or may hereafter be determined by the council.

(5) All compensation shall be paid biweekly, on Friday, except the compensation to be paid the municipal judge and alderpersons, which shall be paid monthly.

(Code 1982, § 3.04; Ord. No. 941, § 1, 12-11-2001)

Sec. 4-04. Method of approving financial claims.

(1) All bills and other financial claims against the city shall be itemized, and upon receipt thereof, shall be examined by the finance director and referred by him to the finance, budget and personnel committee for report thereon at the ensuing meeting of the council, provided that payments of regular wages and salaries of officials and employees according to schedules adopted by the council after verification by the department head submitting the schedules and approval by the finance, budget and personnel committee need not be referred back to the committee.

(2) Alternate approval of claims. As an exclusive alternative to the method of approving financial claims against the city, provided in subsection (1) of this section, other than those referred to in subsections (5) and (6) of this section, payments may be made from the city treasury after the finance director shall have audited and approved each such claim as a proper charge against the treasury and shall have endorsed his approval thereon, after having determined that the following conditions have been complied with:

(a) That funds are available therefor pursuant to the budget approved by the council.

(b) That the item for service covered by such claim has been duly authorized by the proper official, department head, board or commission.

(c) That the item or service has been actually supplied or rendered in conformity with such authorization.

(d) That the claim is just and valid pursuant to law. The finance director may require the submission of such proof and evidence to support the foregoing as in his discretion he may deem necessary.

(3) The finance director shall file with the council not less than monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

(4) An annual detailed audit of the city's financial statements, transactions and accounts shall be made by an independent accounting firm pursuant to § 73.10 Wis. Stats. unless otherwise ordered by the council.

(5) The foregoing system of approval of financial claims shall not commence until the finance director has provided a fidelity bond to the city in a sum of not less than $10,000.00. The city elects not to give the bond on the finance director provided for by § 70.67(1)Wis. Stats. Pursuant to § 70.67(2) Wis. Stats., the city shall pay, if the finance director fails to do so, all state and county taxes required by law to be paid by such finance director to the county treasurer.

(6) Other financial claims. Subject to the provisions of subsection (7) of this section and the requirements of Wisconsin's Open Meeting Law, § 19.81 Wis. Stats. et seq., all other claims against the city shall be referred by the clerk to the judicial, license and cemetery committee at the regular committee meeting following the filing thereof for review and recommendation of action to the council. Such claims may be allowed by the council at that time or denied. Failure of the council to pass upon such claims within 120 days after presentation is a disallowance. Procedure upon claims of this kind shall be in accordance with § 893.80 Wis. Stats.

(7) Insured claims. Whenever a claim is filed with the city clerk which involves damages or injuries for which the city is covered by insurance, the city clerk shall immediately notify the representative of the insurance company concerned in accordance with the terms and provisions of the policy of insurance. In addition, the clerk shall inform the city attorney that a claim has been filed, together with such information as may be requested by the attorney. Thereafter, the procedure set forth in subsection (6) of this section shall apply.

(Code 1982, § 3.05)

Sec. 4-05. Depositories.

(1) *Established.* Such credit unions, banks, savings banks, trust companies or savings and loan associations, and other depositories as are permitted by law to serve in that capacity and are designated by resolution of the council as official depositories, shall be the official depositories for all municipal funds in and for the city.

(2) *Investments.* The finance director is authorized to invest city funds not immediately needed, pursuant to § 66.0603(1m) Wis. Stats. and city policy.

(3) *Procedures.* The finance director shall promulgate the depository and investment policies and procedures subject to council approval.

(Code 1982, § 3.06)

Sec. 4-06. Destruction of obsolete public records.

(1) *Financial records.* The city clerk may destroy the following nonutility records of which the city clerk is the legal custodian and which are considered obsolete, after the completion of an audit by an auditor licensed under chapter 442 Wis. Stats., but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed or will in the future be fixed by the state public records board, pursuant to § 16.61(3)(e) Wis. Stats. and then after such shorter period:

(a) Bank statements, deposit books, slips and stubs.

(b) Bonds and coupons after maturity.

(c) Canceled checks, duplicates and check stubs.

(d) License and permit applications, stubs and duplicates.

(e) Official bonds.

(f) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Plan.

(g) Receipt forms.

(h) Special assessment records.

(i) Vouchers, requisitions, purchase orders and all supporting documents pertaining thereto.

(j) Vouchers and supporting documents pertaining to charges not included in plant accounts of municipal utilities and the wastewater utility.

(k) Other municipal utility and wastewater utility records, with the written approval of the state public service commission.

(2) *Utility records.* The city clerk may destroy the following records of any municipal utility, subject to the regulations by the state public service commission, and the wastewater utility of the city, of which the clerk is the legal custodian and which are considered obsolete, after completion of an audit by an auditor licensed under chapter 442 Wis. Stats., but not less than two years after payment or receipt of the sum involved in the applicable transaction:

(a) Water stubs.

(b) Sewer rental charge stubs.

(c) Receipts of current billings.

(d) Customers' ledgers.

(3) *Other records.* The city clerk may destroy the following records of which the clerk is the legal custodian and which are considered obsolete, but not less than seven years after the record was effective:

(a) Assessment rolls and related records, including board of review minutes.

(b) Contracts and papers relating thereto.

(c) Correspondence and communications.

(d) Financial reports other than annual financial reports.

(e) Insurance policies.

(f) Oaths of office.

(g) Reports of boards, commissions, committees and officials duplicated in the council minutes.

(h) Resolutions and petitions.

(i) Voter cards.

(4) *Notice required.* Prior to the destruction of any public record described above, at least 60 days' notice shall be given the state historical society pursuant to § 19.21(5)(d)1 Wis. Stats.

(5) *Interpretation.* This section shall not be construed to authorize the destruction of any public record after a lesser period than that prescribed by statute or state administrative regulation.

(Code 1982, § 3.09)

Sec. 4-07. Marshfield Public Library accounts.

The board of trustees of the Marshfield Public Library shall audit and approve all vouchers for the expenditures of such library, and shall forward the vouchers or schedules covering the expenditures, setting forth the names of the claimants, the amount of each claim and the purpose for which expended, to the finance director with a statement thereon, signed by the library board treasurer or other designee of the library board, that the expenditure has been incurred and that the library board has audited and approved the bill. The bills shall then be forwarded to the finance director who shall thereupon draw his order or check, and the bills shall be paid as other municipal orders or checks are paid and shall be signed by the clerk and finance director.

(Code 1982, § 3.12)

Secs. 4-8—4-35. Reserved.

Article II. Taxes

Sec. 4-36. Preparation of tax roll and tax receipts; aggregate tax stated on roll.

Pursuant to § 70.65(2) Wis. Stats., the clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column on the roll opposite the parcel or tract of land against which the tax is levied or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

(Code 1982, § 3.01)

Sec. 4-37. Payment of taxes.

(1) *Real estate taxes; semiannual payments.* Any person responsible for real estate taxes charged on the city tax roll shall pay to the finance director the full amount thereof on or before January 31 next following the receipt of such tax roll by the finance director or they may pay the real estate taxes in two equal installments, as provided in § 74.11 Wis. Stats.

(2) *Rates stamped on receipts.* Pursuant to § 74.19Wis. Stats., in lieu of entering on each tax receipt the several amounts paid respectively for state, county, school, local and other taxes, the aggregate amount of such taxes shall be combined in a single column on the tax receipt issued by the finance director.

(3) *Personal property taxes.* Payment of personal property taxes shall be in accordance with the following:

(a) *Due date.* All personal property taxes shall be paid on or before January 31 following the tax levy year.

(b) *Additional penalty for nonpayment.* Interest is hereby imposed as prescribed in § 74.47 (2) Wis. Stats. on all overdue or delinquent personal property taxes retained for collection by the city or eventually charged back to the city by the county for purposes of collection under § 74.31 Wis. Stats. Such penalty shall apply to any personal property taxes which are overdue or delinquent on the effective date of the ordinance from which this section derives, or which subsequently become overdue or delinquent.

(4) *Special assessments.* Except as otherwise provided by resolution adopted by the council for deferral of special assessment payments pursuant to § 66.0715 Wis. Stats., all special assessments levied upon any property in the city shall be due and payable in full on or before January 31 in the year following such assessment.

(Code 1982, § 3.07)

Sec. 4-38. Room tax.

(1) *Definitions.* In this section: Gross receipts has the meaning as defined in § 77.51(4)(a), (b) and (c) Wis. Stats. insofar as applicable.

Hotel and *motel* means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings, including mobile homes as defined in § 66.0435(1)(d) Wis. Stats., in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospital, sanitarium or nursing home, or by corporations or

associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

Transient means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodation available to the public.

(2) *Imposition of tax.* Pursuant to § 66.0615 Wis. Stats. a tax is hereby imposed on the privilege and service of furnishing, at retail, except sales for resale, of rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations, but such tax shall apply only if such services are subject to the Wisconsin Sale Tax imposed by §§ 77.52—77.62 Wis. Stats. Such tax shall be at the rate of six percent of the gross receipts from such retail furnishing of rooms or lodgings, which tax is an increase of two percent from the previous tax rate. Such tax shall not be subject to the selective sales tax imposed by § 77.52(2)(a)1 Wis. Stats.

(3) *Tax monies.* Collection and distribution of tax monies shall be in accordance with the following:

(a) Collection of tax. This section shall be administered by the finance director. The tax imposed for the months of January, February and March 1984 and for each calendar quarter thereafter, is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the finance director, by those furnishing at retail such lodging, on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and other such information as the finance director deems necessary. Every person required to file such quarterly return shall, with his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within 90 days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and contain certain such additional information as the finance director requires. Such annual returns shall be made on forms as prescribed by the finance director. All such returns shall be signed by the person required to file a return or his duly authorized agent, but need not be verified by oath. The finance director may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

(b) Distribution of tax. The room tax collected shall be allocated as follows:

1. Two percent or one-third of the gross receipts from such tax shall be allocated for public parks and/or Wildwood Park and Zoo development.

2. Two percent or one-third of the gross receipts from such tax shall be allocated to the Marshfield Convention and Visitor's Bureau (CVB).

3. Thirty percent of the increase in room tax of two percent of the gross receipts of such tax shall be allocated for public parks and/or Wildwood Park and Zoo development.

4. Seventy percent of the increase in room tax of two percent shall be allocated to the CVB.

(4) *Permit required.* Every person furnishing rooms or lodging under subsection (2) of this section shall file with the city clerk an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the city clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business, and such other information as the city clerk requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such sellers. At the time of making an application the applicant shall pay to the city clerk a fee of $10.00 for each permit.

(5) *Permit regulations.* After compliance with subsections (3) and (14) of this section by the applicant, the city clerk shall grant and issue to each applicant a separate permit for each place of business within the city. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

(6) *Suspension or revocation of permits.* Whenever any person fails to comply with this section the city clerk may, upon ten days' notification, and after affording such person the opportunity to show cause why his permit should not be revoked, revoke or suspend any or all of the permits held by such person. The city clerk shall give to such person written notice of the suspension or revocation of any of his permits. The city clerk shall not issue a new permit after the revocation of a permit unless he is satisfied that the former holder of the permit will comply with the provisions of this section. A fee of $10.00 shall be imposed for the renewal or issuance of a permit which had been previously suspended or revoked.

(7) *Liability for tax.* If any person liable for any amount of tax under this section sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the finance director that he has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.

(8) *Office audit.* The finance director may, by office audit, determine the tax required to be paid to the city or the refund due to any person under this section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the finance director's possession. One or more such office audit determinations may be made of the amount due for anyone or for more than one period.

(9) *Field audit.* The finance director may, by field audit, determine the tax required to be paid to the city or the refund due to any person under this section. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the finance director's possession. The finance director is authorized to examine and inspect the books, records, memoranda and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the finance director from making a determination of tax at any time.

(10) *Estimated assessment.* If any person fails to file a return as required by this section, the finance director shall make an estimate of the amount of the gross receipts under subsection (2) of this section. Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the finance director's possession or may come into his possession. On the basis of this estimate the finance director shall compute and determine the amount required to be paid to the city, adding to the sum thus arrived at a penalty equal to five percent thereof. One or more such determinations may be made for one or more than one period.

(11) *Interest.* All unpaid taxes under this section shall bear interest at the rate of 12 percent per annum from the date of the return until the first day of the month following the month in which the tax is paid or deposited with the finance director. All refunded taxes shall bear interest at the rate of 12 percent per annum from the due date of the return until the first day of the month in which the taxes are refunded. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation. If the finance director determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, he shall not allow any interest thereon.

(12) *Late filing fee.* Delinquent tax returns shall be subject to a late filing fee of $10.00. The tax imposed by this section shall become delinquent if not paid:

(a) In the case of a timely filed return, within 30 days after the due date of the return, or within 30 days after expiration of an extension period if one has been granted.
(b) In the case of no return being filed or a return being filed late, by the due date of the return.

(13) *Nonfiling or late filing penalty.* If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of $25.00, exclusive of interest or other penalties. If a person fails to file a return when due, or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this section, a penalty of $25.00 shall to be added to the tax required to be paid, exclusive of interest and other penalties.

(14) *Security required.* In the event any person has been guilty of two or more violations of the provisions of subsection (12) or (13) of this section, the city clerk may require such person to place with him such security, not in excess of $1,000.00, as the city clerk determines to be necessary in order to protect the revenue of the city. If any such person fails or refuses to place such security, the city clerk may revoke his permit. If any taxpayer is thereafter delinquent in the payment of the taxes imposed by this section, the finance director may, upon ten days' written notice, recover the taxes, interest and penalties from the security placed with the city clerk by such taxpayer. No interest shall be paid by the city to any person for the deposit of such security.

(15) *Records.* Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the finance director requires.

(16) *Confidentiality.* Confidentiality shall be maintained in accordance with the following:

(a) All tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the finance director, are deemed to be confidential, except the finance director may divulge their contents to the following and no others:

1. The person who filed the return.

2. Officers, agents or employees of the federal Internal Revenue Service or the state department of commerce.

3. The assessor; city attorney; mayor; city administrator; or finance, budget and personnel committee chairperson.

4. Such other public officials of the City of Marshfield as may be deemed necessary by the finance director.

(b) No person having an administrative duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this section, or the amount or source of income, profits, losses or expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person except as provided in subsection (16)(a) of this section.

(17) *Tax collection fee.* Any person who collects and remits the tax imposed by this section shall be entitled to a collection fee of two percent of the tax so collected. The fee shall be itemized on the tax return and shall be retained from the amount collected and remitted.

(18) *Penalty.* Any person who is subject to the tax imposed by this section who fails to obtain a permit as required in subsection (4) of this section, or who fails or refuses to permit the inspection of his records by the finance director after such inspection has been duly requested by the finance director, or who fails to file a return as provided in this section, or who violates any other provision of this section, shall be subject to a forfeiture as provided in § 66.0615(3) Wis. Stats.

(Code 1982, § 3.13)

Secs. 4-39—4-65. Reserved.

Article III. Personnel

Sec. 4-66. Personnel policies.

(1) The city administrator, with the concurrence of the council, shall establish and maintain policies and procedures to provide for the uniform administration of a system of personnel management and professional methods to govern the recruitment, appointment, promotion, transfer, removals, conduct, discipline and welfare of employees and other aspects of employment with the city and to fulfill requirements of federal, state and local laws governing employment regulations.

(2) The provisions of the personnel policies of the city are applicable to all city employees with the exceptions of:

(a) The employees of the Marshfield Utility Commission, the community development authority and the board of trustees of the Marshfield Public Library; and

(b) Where otherwise governed by valid union contracts.

(3) Under the authority of the council of the City of Marshfield, the city administrator's office is assigned the responsibility of organizing, coordinating, communicating, interpreting and implementing City of Marshfield personnel policies and procedures as reflected in the city's policy and procedures manual.

(Code 1982, § 3.15)

Sec. 4-67. Residency requirements for city employees.

(1) As a condition of continued employment with the city, emergency personnel will be expected to maintain residence within a 15 mile radius of city limits. Emergency personnel will be defined as City Administrator, Public Works Director, City Engineer, Building Services Supervisor, all Wastewater Utility employees (except Administrative Assistant II) and all Street Division employees (except Administrative Assistant II).

Employees must establish such residency not later than sixty (60) days following completion of their probationary period.

These provisions shall apply in the cases of employees of the Marshfield Utilities, the Marshfield Public Library, and Police and Fire Departments only if the governing boards of those departments adopt a similar policy. The city also recognizes that residency requirements may be different for represented employees according to the respective labor agreements. Residency restrictions exclude casual/seasonal staff.

(2) Any permanent employee of the city who is required by Ordinance to reside within the 15 mile radius of city limits, and who moves his residence outside of the restriction, shall be deemed to resign his/her position with the City on the date that the transfer of residency takes place, effective immediately.

(Ord. No. 1056, § 1, 2, 7-26-2005; Ord. No. 1226, § 1, 5-8-2012; Ord. No. 1259, § 1-4, 10-8-2013)

Chapter 5

POLICE DEPARTMENT

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Sec. 5-01. Police department personnel.

(1) Enumerated. The police department shall operate on a full-time basis and shall consist of the chief of police and such sworn police officers as the fire and police commission may prescribe, together with such additional personnel authorized by the council.

(2) Salary; collection of fees. The chief and police officers shall receive a salary and benefits fixed by the council and shall not be entitled to any other compensation. All fees, bail deposits and other special remuneration of funds collected or received by the department or any officers thereof shall be deposited with the finance director not less than monthly.

(3) Tenure of chief and police officers. The chief of police shall be appointed by the board of fire and police commissioners of the city and shall hold office during good behavior, subject to suspension or removal by the board as provided by § 62.13 Wis. Stats. Subordinates shall be appointed by the chief of police, subject to approval by the fire and police commission, and shall be suspended, reduced or removed only as provided in § 62.13 Wis. Stats.

(Code 1982, § 4.01)

Sec. 5-02. Chief of police; duties and powers.

(1) The chief of police shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and constables.

(2) He shall obey all lawful written orders of the fire and police commission.

(3) He shall cause the public peace to be preserved and see that all laws and ordinances of the city and state are enforced; and whenever any violation thereof comes to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.

(4) He shall exercise supervisory control over all department personnel and may adopt, subject to the approval of the fire and police commission, rules and regulations for the government, discipline, equipment and uniforms of police officers.

(5) He shall be solely responsible for the care and condition of the equipment used by his department.

(6) He shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the department.

(Code 1982, § 4.02)

Sec. 5-03. Police offices; duties and powers.

Each sworn officer of the police department shall possess the powers conferred on marshals and constables by law and shall preserve the public peace and enforce the laws and ordinances of the state and city subject to the orders, rules and regulations of the chief and the fire and police commission.

(Code 1982, § 4.03)

Sec. 5-04. Power of arrest.

The chief of police or any police officer may arrest or issue a citation to any person in the city found in the act of violating any law or ordinance of the city or state or aiding or abetting in such violation; and they shall arrest without warrant any person whom they have reasonable grounds to believe has violated any law or ordinance and who will not be apprehended unless immediately arrested; and, if appropriate, shall take any arrested person in charge and confine him; and shall within a reasonable time bring any confined person before the court having jurisdiction thereof to be dealt with according to law.

(Code 1982, § 4.04)

Sec. 5-05. Adult school crossing guards.

(1) Establishment, membership and compensation. The city shall employ such number of adult school crossing guards and alternates as are determined by the council. Such guards shall be hired by the city in accordance with its standard personnel procedures, and shall be paid such compensation as the council may determine from time to time. The school crossing guards shall be under the supervision of the chief of police and his designees.

(2) Purpose, duties and powers. The school crossing guards shall aid and assist grade school children in crossing busy streets within the city, at such intersections as shall be designated by the chief of police. The school crossing guards shall have no powers as police officers, but shall be entitled to wear such uniforms and insignia as may be deemed necessary by the chief of police. Such uniforms and insignias shall be provided by the city.

(3) Training, regulations. The chief of police shall establish such rules, regulations and training for the effective and efficient operation of the school crossing guards as he deems necessary in order to accomplish the purpose set forth in this section.

(Code 1982, § 4.06)

Sec. 5-06. Penalty.

Any person who shall violate any provision of this chapter or any regulation, rule or order made under this chapter shall be subject to a penalty as provided in section 1-05 of this Code.

(Code 1982, § 4.10)

Chapter 6

FIRE PROTECTION

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Article I. Fire and Rescue Department

Sec. 6-01. Recognized.

The Marshfield Fire and Rescue Department is officially recognized as the fire and rescue department of the city, and the duties of firefighting, fire prevention, hazardous materials and control of emergency medical services are delegated to such department.

(Code 1982, § 5.01)

Sec. 6-02. Appropriations.

The council shall appropriate funds annually for fire and rescue department operations and for such apparatus and equipment for the use of the fire and rescue department as the council may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

(Code 1982, § 5.02)

Sec. 6-03. Compensation.

The officers and members of the fire and rescue department shall receive such salary and benefits from the city as may from time to time be fixed by the council.

(Code 1982, § 5.03)

Sec. 6-04. Organization.

(1) Generally. The organization and internal regulation of the fire and rescue department shall be governed by Marshfield Fire and Rescue Department rules and regulations, as established by the fire and police commission.

(2) Chief. The board of police and fire commissioners shall appoint the chief of the fire and rescue department (referred to as "fire chief") who shall hold office during good behavior, subject to suspension or removal by the fire and police commission for just cause.

(3) Subordinates. Full-paid members of the fire and rescue department shall be selected by the procedures prescribed in § 62.13 Wis. Stats.

(Code 1982, § 5.04)

Secs. 6-5—6-20. Reserved.

Article II. In General

Sec. 6-21. Definitions.

As used in this chapter, unless the context clearly indicates to the contrary, the following terms shall have the following definitions:

Accessory building means any building not used for human occupancy and which is physically separated from buildings intended for human occupancy.

Approved means acceptable to the Marshfield Fire and Rescue Department.

Emergency means a fire, explosion or hazardous condition that poses an immediate threat to the safety of life or damage to property.

Existing condition means any situation, circumstance or process that was ongoing or in effect prior to the effective date of the ordinance from which this chapter derives.

Fire hazard means any situation, process, material or condition that, on the basis of applicable data, may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property.

Fire protection system means any fire alarm device or system, or fire extinguishing device or system, or combination thereof, designed and installed for detecting, controlling or extinguishing a fire or otherwise alerting occupants, the fire department or both that a fire has occurred.

Hazardous means a condition, circumstance, or combination of factors which create a substantial risk or danger of causing damage or injury to persons or property.

High-rise building means a building more than 60 feet in height. Building height shall be measured from the lowest level of fire department vehicle access to the floor of the highest occupiable story.

Immediately hazardous means a hazardous condition which creates a risk of imminent injury or damage to persons and property, such that remedial action cannot reasonably be delayed.

Incident commander means the fire department official in charge of an emergency incident. *Isolated storage* means storage in a different storage room or in a separate and detached building located at a safe distance.

Key box means a container of a type approved by the Marshfield Fire & Rescue Department installed in an accessible location for the purpose of containing keys to gain necessary access to areas of the premises.

May is a term used to state a permissive use or alternative method to a specific requirement.

One-and two-family dwellings include buildings containing not more than two dwelling units in which each living unit is occupied by members of a single family with no more than three outsiders, if any, accommodated in rented rooms.

Permit means a document issued by the Marshfield Fire and Rescue Department for the purpose of authorizing performance of a specified activity.

Private building means a building, or that portion of a building, that is normally not frequented by, nor open to, the public.

Process means the manufacturing, handling, blending, conversion, purification, recovery, separation, synthesis or use, or any combination, of any commodity or material regulated by this chapter.

Public way means any street, alley or other similar parcel of land essentially open to the outside air, deeded, dedicated or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than ten feet.

Shall indicates a mandatory requirement.

Special structure means any structure located on real property which is not for human occupancy and which is physically separated from buildings used for human occupancy. Special uses shall include, but not be limited to, events or occurrences where life threatening safety situations or fire hazards exist or are likely to exist as determined by the Marshfield Fire and Rescue Department.

*Standar*d means a document containing only mandatory provisions using the word "shall" to indicate requirements. Explanatory material may be included only in the form of "fine print" notes, in footnotes or in an appendix.

Standpipe system means an arrangement of piping, valves, hose connections and allied equipment installed in a building or structure with the hose connections located in such a manner that water can be discharged in streams or spray patterns through attached hoses and nozzles, for the purpose of extinguishing a fire and so protecting a building or structure and its contents in addition to protecting the occupants. This is accomplished by connections to water supply systems or by pumps, tanks and other equipment necessary to provide an adequate supply of water to hose connections.

Street means any public thoroughfare (road, avenue, boulevard) 30 feet or more in width that has been dedicated or deeded to the public for public use and is accessible for use by the fire department in fighting fire. Enclosed spaces and tunnels, even though used for vehicular and pedestrian traffic, are not considered streets for the purposes of this chapter.

Structure means that which is built or constructed. The term "structure" shall be construed as if followed by the words "or portion thereof."

Summarily abate means to immediately judge a condition to be a fire hazard to life or property and to order immediate correction of such condition.

System means several items of equipment assembled, grouped or otherwise interconnected for the accomplishment of a purpose or function.

Written notice means a notification in writing delivered in person to the individual or parties intended or delivered at or sent by certified or registered mail to the last residential or business address of legal record.

(Code 1982, § 5.21; Ord. No. 1000, § 1, 2, 11-11-2003)

Sec. 6-22. State statutes adopted.

The statutory provisions following the prefix "6" describing and defining regulations with respect to the provisions of following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, and to the extent consistent with the remaining provisions of this chapter, are hereby adopted and by reference made a part of this chapter as if fully set forth in this chapter. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to ensure compliance with the provisions of such statutes within the city:

Wis. Stats.	
6.101.01	Definitions
6.101.09	Storage of flammable, combustible and hazardous liquids
6.101.14	Fire inspections, prevention, detection and suppression
6.101.16	Liquefied petroleum gas
6.101.121	State historic building code
6.101.143	Petroleum storage remedial action; financial assistance
6.101.145	Smoke detectors

(Code 1982, § 5.20)

Sec. 6-23. Wisconsin Administrative Code sections adopted.

The following sections in the Wisconsin Administrative Code, as now written and as hereafter amended, are hereby adopted and by reference made a part of this chapter as if fully set forth in this chapter. Any act required to be performed or prohibited by any such administrative code provision incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the Wisconsin Administrative Code provisions incorporated in this section are intended to be made part of this Code: Wisconsin Administrative Code SPS 304; SPS 305; SPS 307; SPS 309; SPS 310; SPS 314; SPS 328; SPS 330; SPS 340; SPS 360—366; SPS 370 and SPS 375-379; NFPA 20, 1999 edition; NFPA 24, 2002 edition; and NFPA 25, 2002 edition.

(Code 1982, § 5.24; Ord. No. 1220, § 1, 2-28-2012)

Sec. 6-24. Scope.

The provisions of this chapter are applicable to:

(1) The inspections of buildings, processes, equipment, systems and other fire related life safety situations.

(2) The investigation of fires, explosions, hazardous materials incidents and other related emergency incidents handled by the Marshfield Fire and Rescue Department.

(3) Access requirements for fire department operations.

(4) Hazards from outside fires in vegetation, trash, building debris and other materials.

(5) The regulation and control of special events, including but not limited to, exhibits, trade shows, amusement parks, haunted houses and other similar special occupancies.

(6) The interior finish, decorations, furnishings and other combustibles that contribute to the fire spread, fire load and smoke production.

(Code 1982, § 5.06)

Sec. 6-25. Application.

(1) Buildings permitted for construction after the adoption of the ordinance from which this chapter derives shall comply with the provisions stated in this chapter for new buildings.

(2) When in fixed locations and occupied as buildings, vehicles, vessels or other mobile structures shall be treated as buildings and comply with this chapter.

(3) Additions, alterations or repairs to any building shall conform to that required of a new building without requiring the existing building to comply with all the requirements of this chapter. Additions, alterations or repairs shall not cause an existing building to become unsafe or adversely affect the performance of the building as determined by the Marshfield Fire and Rescue Department.

(4) Where two or more classes of occupancy occur in the same building or structure, and are so intermingled that separate safeguards are impracticable, means of egress facilities, construction, protection and other safeguards shall comply with the most restrictive fire safety requirements of the occupancies involved.

Sec. 6-26. Equivalencies and alternatives.

(1) Nothing in this chapter is intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability and safety to those prescribed by this chapter, provided technical documentation is submitted to the Marshfield Fire and Rescue Department to demonstrate equivalency and the system, method or device is approved for the intended purpose.

(2) The specific requirement of this chapter may be modified by the Marshfield Fire and Rescue Department to allow alternative arrangements that will secure as nearly equivalent fire safety as practical, but in no case shall the modification afford less fire safety than, in the judgment of the Marshfield Fire and Rescue Department, that which would be provided by compliance with the corresponding provisions contained in this chapter.

(3) Buildings with alternative fire protection features approved by the Marshfield Fire and Rescue Department shall be considered as conforming with this chapter.

(4) Each application for an alternative fire protection feature shall be filed with the Marshfield Fire and Rescue Department and shall be accompanied by such evidence, letters, statements, results of tests or other supporting information as may be required to justify the request. The Marshfield Fire and Rescue Department shall keep a record of actions on such applications, and a signed copy of the Marshfield Fire and Rescue Department's decision shall be provided for the applicant.

(Code 1982, § 5.09)

Sec. 6-27. Maintenance and testing.

(1) Whenever or wherever any device, equipment, system, condition, arrangement, level of protection or any other feature is required for compliance with the provisions of this chapter, such device, equipment, system, condition, arrangement, level of protection or feature shall thereafter be permanently maintained unless this chapter exempts such maintenance.

(2) Any nonrequired system that creates an unsafe or hazardous condition shall be removed.

(3) Every automatic sprinkler system, fire detection and alarm system, smoke control system, exit lighting system, fire door and other item of equipment shall be continuously maintained in proper operating condition. Written records of testing and maintenance must be maintained by the building owner and available for inspection by the Marshfield Fire and Rescue Department.

(4) Any equipment requiring testing or periodic operation to ensure its maintenance shall be tested or operated as specified elsewhere in this chapter or as directed by the Marshfield Fire and Rescue Department.

(5) Systems shall be under the supervision of a responsible person who shall ensure that proper tests are made at specific intervals and have general charge of all alterations and additions.

(6) Alarm and fire detection systems. Fire alarm signaling equipment shall be restored to service as promptly as possible after each test, and alarm signaling equipment shall be kept in normal condition for operation. Equipment requiring rewinding or replenishing shall be rewound or replenished as promptly as possible after each test or alarm.

(7) Periodic testing of emergency lighting equipment. A functional test shall be conducted on every required emergency lighting system at 30-day intervals for a minimum of 30 seconds. An annual test shall be conducted for a 11/2-hour duration. Equipment shall be fully operational for the duration of the test. Written records of the test shall be retained by the owner for inspection by the Marshfield Fire and Rescue Department.

(8) Emergency generators. Emergency generators used to provide power to emergency lighting systems shall be installed, maintained and tested in accordance with NFPA 110, Standard for Emergency and Standby Power Systems.

(9) Elevator testing. All elevators equipped with firefighter service shall be subjected to a monthly operation with a written record of the findings made and kept on the premises for inspection by the Marshfield Fire and Rescue Department.

(Code 1982, § 5.11)

Sec. 6-28. Owner/occupant responsibilities.

(1) The owner, operator and occupant shall be jointly and severally responsible for compliance with this chapter.

(2) The Marshfield Fire and Rescue Department shall be permitted to require tests or test reports as proof of compliance with the intent of this chapter.

(3) The owner, operator or occupant of a building that is deemed unsafe by the Marshfield Fire and Rescue Department shall abate, through corrective action approved by the Marshfield Fire and Rescue Department, the condition causing the building to be unsafe either by repair, rehabilitation, demolition or other corrective action approved by the Marshfield Fire and Rescue Department.

(Code 1982, § 5.14)

Sec. 6-29. Fire reporting.

(1) The person discovering any fire, regardless of magnitude, shall:

(a) Immediately notify the person in charge of the premises and all occupants and guests in the immediate vicinity of the fire.

(b) Immediately notify the Marshfield Fire and Rescue Department by calling 911.

(c) Exception. Whenever an unwanted fire occurs in any building or on any premises of any kind, the owner, manager, occupant or any person in control of such building or premises, upon discovery of an unwanted fire, or evidence of there having been an unwanted fire, even though it has apparently been extinguished, shall immediately report the existence of such fire, circumstances of the fire, and the location thereof to be given to the Marshfield Fire and Rescue Department.

(d) The reporting requirements of this section shall not be construed to forbid the owner, manager or other person in control of the aforementioned building or premises from using all diligence necessary to extinguish any fire prior to the arrival of the Marshfield Fire and Rescue Department.

(2) No person shall make, issue, post or maintain any regulation or order, written or verbal, that would require any person to take any unnecessary delaying action prior to reporting a fire to the Marshfield Fire and Rescue Department.

(3) Subsection (1)(b) of this section shall not apply to firms that have established on-premises firefighting organizations and have coordinated and arranged procedures approved by the Marshfield Fire and Rescue Department.

(4) It shall be a violation of this chapter for any person to willfully make to the Marshfield Fire and Rescue Department any false, fraudulent, misleading or unfounded report or statement or willfully to misrepresent any fact for the purpose of interfering with the orderly operations of the Marshfield Fire and Rescue Department or with the intention of misleading any member of the Marshfield Fire and Rescue Department.

(Code 1982, § 5.15)

Sec. 6-30. Fire lanes.

(1) Fire lanes shall be provided for all buildings that are set back more than 150 feet from a public road or exceed 30 feet in height and are set back over 50 feet from a public road, except for one- or two-family dwellings. The Marshfield Fire and Rescue Department may exempt any building from this provision where such building is protected throughout with an approved automatic sprinkler system or the building is an accessory building or special structure deemed exempt by the Marshfield Fire and Rescue Department.

(2) For all buildings constructed after the effective date of the ordinance from which this section derives, fire lanes shall not be less than 24 feet of unobstructed width, able to withstand live loads of fire apparatus and have a minimum of 13 feet six inches of vertical clearance. An approved turnaround for fire apparatus shall be approved where an access road is a dead end and is in excess of 150 feet in length. The turnaround shall have a minimum centerline radius of 50 feet. The grade of the fire lane shall be within the limits established by the City of Marshfield. However, "T" or "Y" turnaround arrangements are permitted, and, when acceptable to the Marshfield Fire and Rescue Department, turnaround arrangements other than a cul-de-sac may be used.

(3) Where a bridge is required to be used as access, it shall be constructed and maintained using live design loading sufficient to carry the imposed loads of fire apparatus. Where an elevated surface is used as access, that portion utilized by fire apparatus shall be constructed and maintained to accommodate fire apparatus.

(4) Fire lanes shall be marked with freestanding signs or marked curbs, sidewalks or other traffic surfaces that have the words "fire lane—no parking" painted in contrasting colors at a size and spacing approved by the Marshfield Fire and Rescue Department.

(5) The space between the fire lane and the building shall be free of permanent obstructions that may impede firefighting access, such as fences, hedges, walls, substantial grade changes or waterways.

(6) Fire lanes shall be maintained free of all obstructions at all times, including parked vehicles and snow.

(Code 1982, § 5.17)

Sec. 6-31. Outdoor fires.

(1) Recreational fires are defined as open outdoor fires used solely for the purpose of personal enjoyment and/or food preparation.

(2) Recreational fires shall not be located closer than 30 feet to other flammable and combustible objects such as wood fences, open fields, standing brush, dried grass, structures, patios/decks, outbuildings, and similar improvements or hazards.

(3) Recreational fires shall consist of only dry, clean wood and not be ignited by the use of flammable and combustible liquids. Materials for recreational fires may not include rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather, or petroleum based materials and may not contain flammable or combustible liquids.

(4) Smoke complaints as a result of a recreational fire shall be grounds for extinguishment.

(5) Recreational fires shall be in a fire pit or other nonflammable containment, and may not be any larger than 36 inches in diameter.

(6) The fire and rescue department may prohibit any or all recreational and other fires when atmospheric conditions or local circumstances make such fires hazardous.

(7) On such occasions when the fire chief or his designee, or deputy chief for fire prevention executive of the Marshfield Fire and Rescue Department declares a dry season and establishes special regulations on the use of any form of fire or smoking materials, the Marshfield Fire and Rescue Department shall have the authority to assist in the enforcement of such regulations.

(8) No charcoal burners or gas grills shall be kindled or maintained on combustible balconies or within ten feet of combustible patios on ground floors. This shall not apply to one and two-family dwellings.

(9) Every commercial incinerator and commercial barbecue fireplace shall be equipped and maintained with a spark arrestor and shall be maintained in good working order and repair at all times.

(Code 1982, § 5.18)

Sec. 6-32. Fireworks, firework shows and storage or use of explosives.

(1) The storage or use of explosives within the City of Marshfield is prohibited, except as authorized by a permit from the Mayor pursuant to §167.10(3), Wis. Stats. When the Mayor takes the oath of office, he or she shall designate the individual who will issue said permits if it is to be anyone other than the Mayor. If the Mayor designates the Fire Chief of the Marshfield Fire and Rescue Department to issue the permit, the following procedure shall be used.
    a. The individual, entity or group requesting the permit shall submit an application to the Marshfield Fire and Rescue Department along with proof of financial responsibility.
    b. The Fire Chief or a member of the Marshfield Fire and Rescue Department designated by the Fire Chief shall review the application and determine whether all State of Wisconsin requirements will be complied with if a permit is issued.
    c. Based upon the determination made under Sub. b. above, the Fire Chief shall either issue the permit or deny the issuance of the permit.
    d. Any permit issued shall be issued for such term on occasion as the Fire Chief deems appropriate, not to exceed thirty (30) days, and subject to such conditions as the Fire Chief may deem necessary.
    e. All permits issued shall specify the following:
        1. The name and address of the permit holder.

2. The date on and after which fireworks may be purchased.
3. The general kind and approximate quantity of fireworks which may be purchased.
4. The date and location of permitted use.
5. Other special conditions that may be prescribed by ordinance.

f. All fireworks displays shall be carried out in accordance with NFPA 1123 Standard for Fireworks Display.

g. A copy of the permit along with the proof of financial responsibility shall be filed with the City Clerk's office upon issuance.

(2) Storage of explosives and explosive devices shall be in strict conformance with SPS 307 of the Wisconsin Administrative Code, or any continuation, amendment or revision thereof, and violation of such regulations shall be a violation of this section.

(3) Storage and use of class "C" fireworks by individuals for personal use only shall not require a permit under this section.

(4) Any use of pyrotechnics in conjunction with theatrical, musical, or similar productions before a proximate audience, performers, or support personnel shall be carried out in accordance with NFPA 1126 Standard for the Use of Pyrotechnics Before a Proximate Audience. The fire and rescue department shall be notified at least five business days prior to such display. The use of pyrotechnics indoors before a proximate audience shall only be permitted in buildings that are protected by a complete automatic fire sprinkler system. The provisions of NFPA 1126 governing the storage and use of class C fireworks are hereby incorporated herein by this reference.

(5) Flame effects for entertainment, exhibition, demonstration, or simulation before an audience, including their design, fabrication, installation, testing, control, operation, and maintenance shall be carried out in accordance with NFPA 160 Standard for Flame Effects Before an Audience. The fire and rescue department shall be notified at least five business days prior to such display.

The use of flame effects indoors before a proximate audience shall only be permitted in buildings that are protected by a complete automatic fire sprinkler system. The provisions of NFPA 160 governing the storage and use of class C fireworks are hereby incorporated herein by this reference.

(Code 1982, § 5.18; Ord. No. 1007, § 1, 1-27-2004; Ord. No. 1007, § 2, 1-27-2004; Ord. No. 1220, § 1, 2-28-2012)

Sec. 6-33. Tents.

No tent enclosing in excess of 1,500 square feet shall be erected within the City of Marshfield, except upon permit by the Marshfield Fire and Rescue Department. The fee for such permit shall be $25.00 per occasion of use, and subject to such conditions as may be imposed by the fire chief or his designee, as required for pubic safety.

(Code 1982, § 5.18)

Sec. 6-34. Fire sprinkler and protection systems.

(1) Fire protection systems, including sprinkler systems, shall be installed and maintained as required by § 101.14 Wis. Stats. and state regulations pursuant thereto. The department may promulgate additional rules and regulations regarding sprinklers and fire protective systems, based on circumstances and uses specific to the premises in the community. Prior to installing fire sprinkler systems, hose connection piping and/or standpipe systems a permit shall be obtained from the Marshfield Fire Rescue Department. A permit is also required when upgrading systems when ten or more heads are added to an existing system.

(2) A fee of $250.00 for any building of up to 50,000 square feet, $350.00 for any building over 50,000 square feet and a fee of $250.00 for any upgrade of a current system when ten or more heads are added to the system shall be submitted to the Marshfield Fire and Rescue Department prior to issuance of a permit. Three copies of sprinkler plans and three hydraulic calculations shall be submitted along with the permit application prior to obtaining an approved permit.

(3) An additional $100.00 shall be charged for all fire protection plans that are incomplete or inaccurate, and that must be corrected and resubmitted to the department for approval.

(Ord. No. 1000, § 3, 11-11-2003; Ord. No. 1047, § 1, 4-26-2005)

Sec. 6-35. Hazardous material incident response reimbursement.

(1) Prohibited discharges. No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or onto the ground, surface waters, subsurface waters or aquifers or within the city, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid or gas; any radioactive material at or above nuclear regulatory restriction levels; etiologic agents or any solid, liquid or gas creating a hazard, potential hazard or public nuisance; or any solid, liquid or gas having a deleterious effect on the environment.

(2) Containment, cleanup and restoration. Any person in violation of subsection (1) of this section shall, upon direction of any fire and rescue department officer, begin immediate actions to contain, clean up and remove to an approved repository the offending material and restore the site to its original condition, with the offending person being responsible for all expenses incurred. Should any person fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the office of the emergency management coordinators may order the required actions to be taken by public or private sources, and allow the recovery of any and all costs incurred by the City of Marshfield as action imposed by subsection (3) of this section.

(3) Reimbursement for emergency services response. The city may require reimbursement for services necessary for response to hazardous materials incidents, including, but are not limited to, fire services, emergency medical services, and law enforcement services. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this section. Actual and necessary expenses may include, but are not limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident; personnel inspection costs incurred in the procurement and use of specialized equipment specific to the incident; specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance; and costs incurred in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(4) Site access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to fire and rescue department officers and staff and to City of Marshfield Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(5) Public protection. Should any prohibited discharge occur which threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the fire chief, his assistant, or the senior police official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the council for the City of Marshfield can take appropriate action.

(6) Enforcement. The fire chief, as well as City of Marshfield police officers, shall have authority to issue citations or complaints under this section.

(7) Civil liability. Any person in violation of this section shall be liable to the City of Marshfield for any expenses incurred by the city or loss or damage sustained by the city by reason of such violation.

(Code 1982, § 5.19; Ord. No. 1000, § 4, 11-11-2003)

Sec. 6-36. Certified inspector.

The fire chief, or his or her designee, shall appoint a certified inspector who shall be responsible for plan review and installation inspection of systems less than 5,000 gallons capacity and for closure inspection/monitoring of the same. In connection therewith, the Marshfield Fire and Rescue Department shall charge the following fees:

(1) Tank installation: $200.00.

(2) Systems upgrade: $65.00.

(3) Tank closure: $100.00 for the first tank and $25.00 for each additional tank.

(Code 1982, § 5.22)

Secs. 6-37—6-50. Reserved.

Article III. Administration and Enforcement

Sec. 6-51. Fire prevention.

(1) Fire prevention bureau. Fire prevention shall be enforced as follows:

(a) Enforcement. Fire prevention shall be enforced under the supervision of the chief of the fire and rescue department.

(b) Appointment of deputy chief. The fire chief shall appoint a deputy chief to be in charge of fire prevention. He may be removed at the discretion of the fire chief.

(c) Fire inspectors. The fire chief may detail such members of the fire and rescue department as inspectors as shall from time to time be necessary.

(2) Inspections. The fire chief, deputy chief for fire prevention or an inspector, upon the complaint of any person or whenever he or they deem it necessary, may inspect any building or premises within their jurisdiction. If entry to a premises is denied by the owner or occupant, a special inspection warrant shall be obtained pursuant to § 66.0119 Wis. Stats.

(3) Orders. Whenever any of the officers, members or inspectors of the fire and rescue department or bureau of fire prevention shall find in any building or upon any premises dangerous or hazardous conditions, they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the fire chief or deputy chief for fire prevention.

(4) Service of orders. Service of orders shall be in accordance with the following:

(a) The service of such orders as mentioned in this chapter may be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of the order personally or by delivering the order to any person in charge of the premises, or if no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it is necessary to serve such an order upon the owner of the premises, it may be served either by delivering to and leaving with the person a copy of the order, or if the owner is absent from the jurisdiction of the officer making the order, by mailing such a copy to the owner's last known post office address.

(b) If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued and enforcing this chapter shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves. In such cases the rules or orders shall affect the owner and not the occupant unless otherwise agreed between the owner and the occupant.

(Code 1982, § 5.05)

Sec. 6-52. Authority.

(1) This chapter shall be enforced by the fire chief, his/her designee, and the Marshfield Fire and Rescue Department.

(2) The Marshfield Police Department and other law enforcement agencies shall have authority to render assistance in the enforcement of this chapter when requested to do so by the fire chief, his/her designee or an authorized member of the Marshfield Fire and Rescue Department.

(3) The fire chief or his/her designee may delegate other qualified individuals such powers as necessary for the proper administration and enforcement of this chapter.

(4) The Marshfield Fire and Rescue Department is authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or materials as set forth in this chapter. The Marshfield Fire and Rescue Department may order any person to remove or remedy such dangerous or hazardous condition or material. Any person failing to comply with such order shall be in violation of this chapter.

(5) Where conditions exist which are determined by the Marshfield Fire and Rescue Department to be immediately hazardous to life and property, the Marshfield Fire and Rescue Department shall have the authority to summarily abate such hazardous conditions that are in violation of this chapter.

(6) To the full extent permitted by law, any authorized member of the Marshfield Fire and Rescue Department engaged in fire prevention and inspection work is authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle or premises for the purpose of making fire safety inspections. Before entering a private dwelling, the Marshfield Fire and Rescue Department shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. As used in this subsection, "emergency" means circumstances that the Marshfield Fire and Rescue Department knows, or has reason to believe, exist and that reasonably may constitute immediate danger to life and property.

(7) Persons authorized to enter and inspect buildings, structures, marine vessels, vehicles and premises as set forth in this section shall be identified by proper credentials issued by the Marshfield Fire and Rescue Department.

(8) No person shall interfere with any member of the Marshfield Fire and Rescue Department carrying out any duties or functions prescribed by this chapter.

(9) No person shall use a badge, uniform or other official credentials to impersonate any member of the Marshfield Fire and Rescue Department.

(10) The Marshfield Fire and Rescue Department shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. The Marshfield Fire and Rescue Department shall have the authority to take custody of all physical evidence relating to the cause of any fire, explosion or other hazardous condition. Information that may relate to trade secrets or processes shall not be made part of the public record except as may be directed by a court of law.

(11) The Marshfield Fire and Rescue Department shall have the authority to require plans and specifications to ensure compliance with applicable codes and standards.

(12) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the Marshfield Fire and Rescue Department may require that such work be exposed for inspection. The Marshfield Fire and Rescue Department shall be notified when the installation is ready for inspection and shall conduct the inspection within a reasonable period of time.

(13) Whenever any construction or installation work is being performed in violation of the plans and specifications as approved, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.

(14) The Marshfield Fire and Rescue Department shall have the authority to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present immediate danger to building occupants.

(15) The Marshfield Fire and Rescue Department shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to the potential fire hazards within the City of Marshfield.

(16) The Marshfield Fire and Rescue Department shall have the authority to ensure that the appropriate or duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

(Code 1982, § 5.07)

Sec. 6-53. Occupancy.

(1) No new construction or existing building shall be occupied in whole or in part in violation of the provisions of this chapter.

(2) Existing buildings that are occupied at the time of adoption of the ordinance from which this chapter derives shall remain in use, provided:

(a) The occupancy classification remains the same.

(b) There exists no condition deemed hazardous to life or property that would constitute an imminent danger.

(3) Buildings or portions of buildings shall not be occupied during construction, repair or alteration without the approval of the Marshfield Fire and Rescue Department if required means of egress are impaired or required fire protection systems are out of service, except normal or routine maintenance or repairs.

(4) Changes of occupancies. In any building or structure, whether necessitating a physical alteration or not, a change from one occupancy classification to another shall be permitted only if such building or structure conforms with the requirements of this chapter applying to new construction for the proposed new use.

(Code 1982, § 5.10)

Sec. 6-54. Records and reports.

(1) A record of examinations, approvals and variances granted shall be maintained by the Marshfield Fire and Rescue Department and shall be available for public inspection during business hours in accordance with applicable laws.

(2) The Marshfield Fire and Rescue Department shall keep a record of all fire prevention inspections, including the date of such inspections and a summary of any violations found to exist, the date of service of notices and a record of the final disposition of all violations.

(3) All records required to be kept shall be maintained until their usefulness has been served or as otherwise may be required by law.

(Code 1982, § 5.12)

Sec. 6-55. Duties and powers of incident commander.

(1) The incident commander conducting operations in connection with control of any fire, explosion or other emergency shall have the authority to direct all operations of fire extinguishment or control and to take all

necessary precautions to save life, protect property and prevent further injury or damage. During such operations, including the investigation of the cause of such emergency, the incident commander may control or prohibit the approach to the scene of such emergency by any vehicle, vessel or person.

(2) No person shall obstruct the operation of the Marshfield Fire and Rescue Department in connection with extinguishing or control of any fire or actions relative to other emergencies or disobey any lawful command of the incident commander in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the Marshfield Fire and Rescue Department.

(3) The incident commander in charge of an emergency scene shall have the authority to establish barriers to control access in the vicinity of such emergency and place, or cause to be placed, ropes, guards, barricades or other obstructions across any street or alley to delineate such emergency scene barrier. No person, except as authorized by the incident commander in charge of the emergency, may cross such barriers.

(Code 1982, § 5.13)

Sec. 6-56. Tampering with safety equipment.

(1) No person shall render any portable or fixed fire extinguishing system or device or any fire warning system inoperative or inaccessible except as may be necessary during emergencies, maintenance, drills or prescribed testing.

(2) No person shall render a system or device inoperative during an emergency unless by direction of the incident commander.

(3) No person, except a person authorized by the Marshfield Fire and Rescue Department, shall remove, unlock, destroy or tamper with in any manner any locked gate, door, barricade, chain, enclosure, sign, tag or seal that has been required by the Marshfield Fire and Rescue Department pursuant to this chapter.

(Code 1982, § 5.16)

Sec. 6-57. Penalty and enforcement.

The fire chief, or his or her designee, may issue citations for violations of any provision of this chapter. Any person who violates any of the provisions of this chapter, or any order made under this chapter, shall for each violation and noncompliance be subject to a forfeiture as provided under section 1-05 of this Municipal Code.

Sec. 6-58. Special events.

(1) The organizer of any special event which will result in the occupancy or use of any building or premises by a larger number of persons then are normally present at or in such building or premises, or at a time when such building or premises is not normally being used, will notify the Marshfield Fire and Rescue Department of the planned special event at least five days prior to the date of the event.

(2) The organizer will notify the Marshfield Fire and Rescue Department in writing of the special event, to include:

(a) The name of the organizer or contact person for the organizer.

(b) The time, date and location of the event.

(c) A general description of the planned activity.

(d) The number of persons anticipated to participate or be present.

(3) The Marshfield Fire and Rescue Department may, if unique issues of access or hazardous activities are raised due to the location or planned activities, impose such limitations or requirements which the department deems necessary for the safety of persons and property involved in the event.

(Code 1982, § 5.23)

Chapter 7

EMERGENCY MANAGEMENT

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Sec. 7-01. Emergency management ordinance for Wood County adopted.

The emergency management ordinance for Wood County, Wisconsin, adopted on May 19, 1972, as amended, providing for an emergency management plan to cover joint county municipal action in times of emergency, is hereby adopted, ratified and accepted by the City of Marshfield. The adoption of such ordinance by reference hereby constitutes authorization for the City of Marshfield to enter into a mutual agreement between the city and Wood County as provided in such county ordinance.

(Code 1982, § 6.01)

Sec. 7-02. Municipal emergency management committee.

(1) *How constituted.* The emergency management committee shall be composed of five members, as follows: the mayor, the president of the council, the fire chief, the chief of police and the city administrator. The Wood County Emergency Management Director shall serve as an advisory member to the committee. The mayor shall serve as chairman of the committee. The president of the council shall serve as vice-chairman.

(2) *Functions and duties.* The emergency management committee shall be an advisory and planning group and shall advise the mayor and the council on the matters pertaining to emergency management. The committee shall meet yearly or at the request of the chairman.

(Code 1982, § 6.02)

Sec. 7-03. Emergency management deputy director.

(1) Appointment. The emergency management deputy director shall be the mayor. The police chief and fire chief shall act as assistant deputy directors, and shall have such duties as may be delegated by the city management plan.

(2) Duties and authority. The duties and the authority of the deputy director shall be as set forth in the emergency management ordinance for Wood County, adopted in this chapter by reference. The deputy director shall also:

    (a) Direct participation of the municipality in such emergency management training programs and exercises as may be required on the county level or by the state administrator.

    (b) Direct the municipal emergency management training programs and exercises.

    (c) Perform all administrative duties necessary for the rendering of reports and procurement of federal funds.

    (d) In case of a state of emergency proclaimed by the governor, direct the activities of the emergency management organization.

(Code 1982, § 6.03)

Sec. 7-04. Emergency management plan.

The director and the emergency management committee shall prepare a comprehensive emergency management plan for the emergency preparedness of the city consistent with the state emergency management plan adopted by Wood County and the Wood County Emergency Plan, and shall present such plan to the council for approval. When

the council has approved the plan by resolution, all city agencies and all emergency management forces of the city shall perform the duties and functions assigned by the plan as approved. The plan may be modified in a like manner.

(Code 1982, § 6.04)

Sec. 7-05. Emergency regulations.

Whenever necessary to meet a local emergency, the mayor, and in his absence, the president of the council, and in his absence, the chairman of the board of public works, and in his absence, the chairman of the finance, budget and personnel committee may, by proclamation, declare an emergency, and promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as necessary to protect the public needs, health and safety; to preserve lives and property; and to ensure the cooperation necessary in emergency management activities, all of which shall be consistent with the provisions of the city emergency management plan and in coordination with the incident manager. Such proclamations shall be made through the news media and by public posting, and may be modified, revoked or rescinded by the council, by resolution or motion, at any time.

(Code 1982, § 6.05)

Sec. 7-06. Obstruction of emergency management organization.

No person shall willfully obstruct, hinder or delay an incident manager or any person engaged in emergency management activities in the enforcement of any order, rule, regulation or plan issued pursuant to this chapter or violate any order, rule, regulation or plan issued pursuant to the authority contained in this chapter.

Sec. 7-07. Utilization of existing services and facilities.

In preparing and executing the emergency plan operation, the deputy director and incident manager shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the city to the maximum extent practicable, and the offices and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities to the deputy director or incident manager.

(Code 1982, § 6.06)

Sec. 7-08. Mutual aid agreements.

The emergency management deputy director, subject to the approval of the city council, may enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the state director of emergency management.

(Code 1982, § 6.07)

Sec. 7-09. Penalty.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-05 of this Code, except that the minimum forfeiture shall be $100.00 per day for each offense.

(Code 1982, § 7.09)

Chapter 8
Traffic Code

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Article I. In General

Sec. 8-01. State traffic laws adopted.

(1) The statutory provisions following the prefix "8" describing and defining regulations with respect to vehicles and traffic in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the
State of Wisconsin:

Wis. Stats.	
8.110.075	Motor vehicle inspection
8.340.01, 8.341.01, 8.342.01, 8.343.01, 8.344.01, 8.346.01, 8.347.01 and 8.348.01	Words and phrases defined
8.341.04	Penalty for operating unregistered or improperly registered vehicles
8.341.045	Use of registered farm trucks regulated
8.341.05	When vehicle exempt from registration
8.341.07	Certain vehicles to be registered by resident lessee
8.341.08	Application for registration
8.341.11(4)	Display of registration certificates
8.341.15	Display of registration plates
8.341.16(2)	Destruction of illegible plates, issuance of replacement plates
8.341.51	When department to register dealer, distributor, manufacturer or transporter, application
8.341.55	Penalty for misuse of plates
8.341.61	Improper use of evidence of registration
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8.341.63(3)	Surrender of plates upon suspension
8.342.05	When certificate of title required
8.342.06	Application for certificate of title
8.342.15	Transfer of interest in a vehicle
8.342.16	Transfer to or from dealer
8.342.30(2) and (3)	Assignment and stamping of new identification numbers
8.342.31(2)	Report of stolen or abandoned vehicle
8.342.33	Sale of vehicle used as taxicab
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8.343.05	Operators to be licensed (first offense)
8.343.10	Occupational licenses
8.343.12	School bus operators to obtain special authorization
8.343.18	License to be carried; verification of signature
8.343.19	Duplicate licenses or identification cards
8.343.22	Notice of change of address or name

8.343.305(2)	Implied consent
8.343.35	Surrender of license upon revocation, cancellation or suspension
8.343.43(1)(d)	Unlawful use of license
8.343.44(1)(a)	Operating while suspended
8.343.45	Permitting unauthorized persons to drive
8.343.46	Duty of persons renting vehicles to others
8.344.45	Surrender of license and registration upon suspension
8.344.46	Transfer of ownership to defeat purpose of chapter
8.344.51 and 8.344.52	Financial responsibility for rented vehicles
8.345.28, 8.345.34, 8.345.35, 8.345.36, 8.345.37	Nonmoving traffic violations procedure
8.345.55	Traffic officers not to profit from arrests
8.346.02	Applicability of ch. 346
8.346.03	Applicability of rules of the road to authorized emergency vehicles
8.346.04(1) and (2)	Obedience to traffic officer, signs and signals
8.346.05	Vehicles to be driven on right side of roadway; exceptions
8.346.06	Meeting of vehicles
8.346.07	Overtaking and passing on left
8.346.075	Overtaking and passing bicycles and motor buses
8.346.08	When overtaking and passing on right permitted
8.346.09	Limitations on overtaking on left or driving on left side of roadway
8.346.922	Transporting children in cargo areas of motor trucks
8.346.10	When passing at railroad crossing, intersection, bridge, viaduct or tunnel prohibited
8.346.11	Passing or meeting frightened animal
8.346.12	Driving through safety zones prohibited
8.346.13	Driving on roadways laned for traffic
8.346.14	Distance between vehicles
8.346.15	Driving on divided highway
8.346.16	Use of controlled-access highways, expressways and freeways
8.346.18	General rules of right-of-way
8.346.19	What to do on approach of emergency vehicle
8.346.20	Right-of-way of funeral processions and military convoys
8.346.21	Right-of-way of livestock
8.346.23	Crossing controlled intersection or crosswalk
8.346.24	Crossing at uncontrolled intersection or crosswalk
8.346.25	Crossing at place other than crosswalk
8.346.26	Blind pedestrian on highway
8.346.27	Persons working on highway
8.346.28	Pedestrians to walk on left side of highway; pedestrians and bicyclists on sidewalks
8.346.29	When standing or loitering in roadway or highway prohibited

8.346.31	Required position and method of turning at intersections
8.346.32	Required position for turning into private road or driveway
8.346.33	Where turns prohibited; exception
8.346.34	Turning movements and required signals on turning and stopping
8.346.35	Method of giving signals on turning and stopping
8.346.37	Traffic-control signal legend
8.346.38	Pedestrian control signals
8.346.39	Flashing signals
8.346.40	Whistle signals
8.346.41	Display of unauthorized signs and signals prohibited
8.346.42	Interference with signs and signals prohibited
8.346.44	All vehicles to stop at signal indicating approach of train
8.346.45	Certain vehicles to stop at all railroad crossings
8.346.46	Vehicles to stop at stop signs and school crossings
8.346.47	When vehicles using alley or nonhighway access to stop
8.346.48	Exceptions to stopping and parking restrictions
8.346.50	Exceptions to stopping and parking restrictions
8.346.505	Stopping, standing or parking prohibited in places reserved for vehicles displaying special restriction plates or special identification cards
8.346.51	Stopping, standing or parking outside of business or residence districts
8.346.52	Stopping prohibited in certain specified places
8.346.53	Parking prohibited in certain specified places
8.346.54	How to park and stop on streets
8.346.55	Other restrictions on parking and stopping
8.346.57(2)	Reasonable and prudent speed
8.346.57(3)	Conditions requiring reduced speed
8.346.57(4)(a)—(c)	Fixed speed limits in school or safety zones
8.346.57(4)(d)—(g)	Fixed speed limits
8.346.57(4)(h)	Emergency energy speed limit
8.346.57(4)(i8.346.57(4)(i)	Speeding in park or recreation area
8.346.57(5)	Zoned and posted speed limits
8.346.58	Special speed restrictions for certain vehicles
8.346.59	Minimum speed regulations
8.346.595	Motorcycles and mopeds
8.346.61	Applicability of sections relating to reckless and drunken driving
8.346.62(1)	Reckless driving (first offense within four years)
8.346.63	Operating under influence of intoxicant or other drug
8.346.66	Applicability of sections relating to accidents and accident reporting
8.346.68	Duty upon striking unattended vehicle
8.346.69	Duty upon striking property on or adjacent to

	highway
8.346.70	Duty to report accident
8.346.71	Coroners or medical examiners to report; require blood specimen
8.346.72	Garages to keep record of repairs of accident damage
8.346.73	Accident reports not to be used in trial
8.346.77	Responsibility of parent or guardian for violation of bicycle and play vehicle regulations
8.346.78	Play vehicles not to be used on roadway
8.346.79	Special rules applicable to bicycles
8.346.80	Riding bicycle on roadway
8.346.803	Riding bicycle on bicycle way
8.346.804	Riding bicycle on sidewalks
8.346.87	Limitations on backing
8.346.88	Obstruction of operator's view or driving mechanism
8.346.89	Inattentive driving
8.346.90	Following emergency vehicle
8.346.91	Crossing fire hose
8.346.92	Illegal riding
8.346.93	Intoxicants in vehicles; underage person
8.346.935	Intoxicants in motor vehicles
8.346.94	Miscellaneous prohibited acts
8.347.02	Applicability of ch. 347
8.347.03	Sale of prohibited equipment unlawful
8.347.04	Owner responsible for improperly equipped vehicle
8.347.06	When lighted lamps required
8.347.07	Special restrictions on lamps and the use thereof
8.347.08	Determining the visibility distance and mounted height of lamps
8.347.09	Headlamps on motor vehicles
8.347.10	Headlamp specifications for motor vehicles other than mopeds and motor bicycles
8.347.11	Headlamp specifications for mopeds and motor bicycles
8.347.12	Use of multiple-beam headlamps
8.347.13	Taillamps and registration plate lamps
8.347.14	Stop lamps
8.347.15	Direction signal lamps or devices
8.347.16	Clearance lamps and reflectors
8.347.17	Color of clearance and marker lamps and reflectors
8.347.18	Mounting of clearance lamps and reflectors
8.347.19	Visibility of clearance lamps and reflectors
8.347.20	Lamp or flag on projecting load
8.347.21	Lamps and flags on trains of agricultural vehicles
8.347.22	Lamps on farm tractors and self-propelled farm implements
8.347.23	Lamps on highway maintenance equipment
8.347.24	Lamps on nonmotor vehicles and equipment

8.347.245	Identification emblem on certain slow moving vehicles
8.347.25	Special warning lamps on vehicles
8.347.26	Restrictions on certain optional lighting equipment
8.347.27	When lighted lamps required on parked vehicles
8.347.28	Certain vehicles to carry flares or other warning devices
8.347.29	Display of warning devices for certain vehicles when standing on highway
8.347.35	Brakes
8.347.36	Performance ability of brakes
8.347.38	Horns and warning devices
8.347.39	Mufflers
8.347.40	Mirrors
8.347.41	Speed indicators
8.347.415	Odometer tampering
8.347.42	Windshield wipers
8.347.43	Safety glass
8.347.44	Painting requirements for school buses; restrictions as to painting of other vehicles
8.347.45	Tire equipment
8.347.46	Fenders and mudguards
8.347.47	Drawbars, trailer hitches and mobile home couplings
8.347.48	Safety belts and child safety restraint systems
8.347.485	Protective headgear for use on type 1 motorcycles
8.347.486	General requirements
8.347.487	Seating requirements
8.347.488	Moped equipment
8.347.489	Lamps and other equipment on bicycles and motor bicycles
8.347.49	Equipment of vehicles transporting flammable liquids
8.348.02	Applicability of chapter
8.348.05	Width of vehicles
8.348.06	Height of vehicles
8.348.07	Length of vehicles
8.348.08	Vehicle trains
8.348.09	Projecting loads on side of vehicle
8.348.10	Special limitations on load
8.348.15	Weight limitations on class "A" highways
8.348.16	Weight limitations on class "B" highways
8.348.17	Special or seasonal weight limitations
8.348.175	Seasonal operation for vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance
8.348.18	Weight limitations apply to publicly owned vehicles; exceptions
8.348.185	Empty weight to be indicated on side of certain vehicles; rules

8.348.19	Traffic officers may weigh vehicles and require removal of excess load
8.348.20	Policy in prosecuting weight violations
8.348.25	General provisions relating to permits for vehicles and loads of excessive size and weight
8.348.26	Single trip permits
8.348.27	Annual, consecutive month or multiple trip permits
8.348.28	Permits to be carried
8.350.01—8.350.19	Snowmobiles
8.941.01	Negligent operation of vehicle

(Code 1982, § 7.01; Ord. No. 988, § 1 (7.011), 2, 8-26-2003)

Sec. 8-01. State traffic laws adopted.

(1) The statutory provisions following the prefix "8" describing and defining regulations with respect to vehicles and traffic in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the
State of Wisconsin:

Wis. Stats.	
8.110.075	Motor vehicle inspection
8.340.01, 8.341.01, 8.342.01, 8.343.01, 8.344.01, 8.346.01, 8.347.01 and 8.348.01	Words and phrases defined
8.341.04	Penalty for operating unregistered or improperly registered vehicles
8.341.045	Use of registered farm trucks regulated
8.341.05	When vehicle exempt from registration
8.341.07	Certain vehicles to be registered by resident lessee
8.341.08	Application for registration
8.341.11(4)	Display of registration certificates
8.341.15	Display of registration plates
8.341.16(2)	Destruction of illegible plates, issuance of replacement plates
8.341.51	When department to register dealer, distributor, manufacturer or transporter, application
8.341.55	Penalty for misuse of plates
8.341.61	Improper use of evidence of registration
8.341.62	False evidence of registration
8.341.63(3)	Surrender of plates upon suspension
8.342.05	When certificate of title required
8.342.06	Application for certificate of title
8.342.15	Transfer of interest in a vehicle
8.342.16	Transfer to or from dealer
8.342.30(2) and (3)	Assignment and stamping of new identification

	numbers
8.342.31(2)	Report of stolen or abandoned vehicle
8.342.33	Sale of vehicle used as taxicab
8.342.34	Department to be notified of destruction or junking of vehicle
8.343.05	Operators to be licensed (first offense)
8.343.10	Occupational licenses
8.343.12	School bus operators to obtain special authorization
8.343.18	License to be carried; verification of signature
8.343.19	Duplicate licenses or identification cards
8.343.22	Notice of change of address or name
8.343.305(2)	Implied consent
8.343.35	Surrender of license upon revocation, cancellation or suspension
8.343.43(1)(d)	Unlawful use of license
8.343.44(1)(a)	Operating while suspended
8.343.45	Permitting unauthorized persons to drive
8.343.46	Duty of persons renting vehicles to others
8.344.45	Surrender of license and registration upon suspension
8.344.46	Transfer of ownership to defeat purpose of chapter
8.344.51 and 8.344.52	Financial responsibility for rented vehicles
8.345.28, 8.345.34, 8.345.35, 8.345.36, 8.345.37	Nonmoving traffic violations procedure
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8.346.03	Applicability of rules of the road to authorized emergency vehicles
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8.346.075	Overtaking and passing bicycles and motor buses
8.346.08	When overtaking and passing on right permitted
8.346.09	Limitations on overtaking on left or driving on left side of roadway
8.346.922	Transporting children in cargo areas of motor trucks
8.346.10	When passing at railroad crossing, intersection, bridge, viaduct or tunnel prohibited
8.346.11	Passing or meeting frightened animal
8.346.12	Driving through safety zones prohibited
8.346.13	Driving on roadways laned for traffic
8.346.14	Distance between vehicles
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8.346.16	Use of controlled-access highways, expressways and freeways
8.346.18	General rules of right-of-way
8.346.19	What to do on approach of emergency vehicle

8.346.20	Right-of-way of funeral processions and military convoys
8.346.21	Right-of-way of livestock
8.346.23	Crossing controlled intersection or crosswalk
8.346.24	Crossing at uncontrolled intersection or crosswalk
8.346.25	Crossing at place other than crosswalk
8.346.26	Blind pedestrian on highway
8.346.27	Persons working on highway
8.346.28	Pedestrians to walk on left side of highway; pedestrians and bicyclists on sidewalks
8.346.29	When standing or loitering in roadway or highway prohibited
8.346.31	Required position and method of turning at intersections
8.346.32	Required position for turning into private road or driveway
8.346.33	Where turns prohibited; exception
8.346.34	Turning movements and required signals on turning and stopping
8.346.35	Method of giving signals on turning and stopping
8.346.37	Traffic-control signal legend
8.346.38	Pedestrian control signals
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8.346.42	Interference with signs and signals prohibited
8.346.44	All vehicles to stop at signal indicating approach of train
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8.346.48	Exceptions to stopping and parking restrictions
8.346.50	Exceptions to stopping and parking restrictions
8.346.505	Stopping, standing or parking prohibited in places reserved for vehicles displaying special restriction plates or special identification cards
8.346.51	Stopping, standing or parking outside of business or residence districts
8.346.52	Stopping prohibited in certain specified places
8.346.53	Parking prohibited in certain specified places
8.346.54	How to park and stop on streets
8.346.55	Other restrictions on parking and stopping
8.346.57(2)	Reasonable and prudent speed
8.346.57(3)	Conditions requiring reduced speed
8.346.57(4)(a)—(c)	Fixed speed limits in school or safety zones
8.346.57(4)(d)—(g)	Fixed speed limits
8.346.57(4)(h)	Emergency energy speed limit
8.346.57(4)(i)	Speeding in park or recreation area
8.346.57(5)	Zoned and posted speed limits

.346.58	Special speed restrictions for certain vehicles
8.346.59	Minimum speed regulations
8.346.595	Motorcycles and mopeds
8.346.61	Applicability of sections relating to reckless and drunken driving
8.346.62(1)	Reckless driving (first offense within four years)
8.346.63	Operating under influence of intoxicant or other drug
8.346.66	Applicability of sections relating to accidents and accident reporting
8.346.68	Duty upon striking unattended vehicle
8.346.69	Duty upon striking property on or adjacent to highway
8.346.70	Duty to report accident
8.346.71	Coroners or medical examiners to report; require blood specimen
8.346.72	Garages to keep record of repairs of accident damage
8.346.73	Accident reports not to be used in trial
8.346.77	Responsibility of parent or guardian for violation of bicycle and play vehicle regulations
8.346.78	Play vehicles not to be used on roadway
8.346.79	Special rules applicable to bicycles
8.346.80	Riding bicycle on roadway
8.346.803	Riding bicycle on bicycle way
8.346.804	Riding bicycle on sidewalks
8.346.87	Limitations on backing
8.346.88	Obstruction of operator's view or driving mechanism
8.346.89	Inattentive driving
8.346.90	Following emergency vehicle
8.346.91	Crossing fire hose
8.346.92	Illegal riding
8.346.93	Intoxicants in vehicles; underage person
8.346.935	Intoxicants in motor vehicles
8.346.94	Miscellaneous prohibited acts
8.347.02	Applicability of ch. 347
8.347.03	Sale of prohibited equipment unlawful
8.347.04	Owner responsible for improperly equipped vehicle
8.347.06	When lighted lamps required
8.347.07	Special restrictions on lamps and the use thereof
8.347.08	Determining the visibility distance and mounted height of lamps
8.347.09	Headlamps on motor vehicles
8.347.10	Headlamp specifications for motor vehicles other than mopeds and motor bicycles
8.347.11	Headlamp specifications for mopeds and motor bicycles
8.347.12	Use of multiple-beam headlamps
8.347.13	Taillamps and registration plate lamps
8.347.14	Stop lamps

8.347.15	Direction signal lamps or devices
8.347.16	Clearance lamps and reflectors
8.347.17	Color of clearance and marker lamps and reflectors
8.347.18	Mounting of clearance lamps and reflectors
8.347.19	Visibility of clearance lamps and reflectors
8.347.20	Lamp or flag on projecting load
8.347.21	Lamps and flags on trains of agricultural vehicles
8.347.22	Lamps on farm tractors and self-propelled farm implements
8.347.23	Lamps on highway maintenance equipment
8.347.24	Lamps on nonmotor vehicles and equipment
8.347.245	Identification emblem on certain slow moving vehicles
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8.347.26	Restrictions on certain optional lighting equipment
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8.347.28	Certain vehicles to carry flares or other warning devices
8.347.29	Display of warning devices for certain vehicles when standing on highway
8.347.35	Brakes
8.347.36	Performance ability of brakes
8.347.38	Horns and warning devices
8.347.39	Mufflers
8.347.40	Mirrors
8.347.41	Speed indicators
8.347.415	Odometer tampering
8.347.42	Windshield wipers
8.347.43	Safety glass
8.347.44	Painting requirements for school buses; restrictions as to painting of other vehicles
8.347.45	Tire equipment
8.347.46	Fenders and mudguards
8.347.47	Drawbars, trailer hitches and mobile home couplings
8.347.48	Safety belts and child safety restraint systems
8.347.485	Protective headgear for use on type 1 motorcycles
8.347.486	General requirements
8.347.487	Seating requirements
8.347.488	Moped equipment
8.347.489	Lamps and other equipment on bicycles and motor bicycles
8.347.49	Equipment of vehicles transporting flammable liquids
8.348.02	Applicability of chapter
8.348.05	Width of vehicles
8.348.06	Height of vehicles
8.348.07	Length of vehicles
8.348.08	Vehicle trains
8.348.09	Projecting loads on side of vehicle
8.348.10	Special limitations on load

8.348.15	Weight limitations on class "A" highways
8.348.16	Weight limitations on class "B" highways
8.348.17	Special or seasonal weight limitations
8.348.175	Seasonal operation for vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance
8.348.18	Weight limitations apply to publicly owned vehicles; exceptions
8.348.185	Empty weight to be indicated on side of certain vehicles; rules
8.348.19	Traffic officers may weigh vehicles and require removal of excess load
8.348.20	Policy in prosecuting weight violations
8.348.25	General provisions relating to permits for vehicles and loads of excessive size and weight
8.348.26	Single trip permits
8.348.27	Annual, consecutive month or multiple trip permits
8.348.28	Permits to be carried
8.350.01—8.350.19	Snowmobiles
8.941.01	Negligent operation of vehicle

(Code 1982, § 7.01; Ord. No. 988, § 1 (7.011), 2, 8-26-2003)

Sec. 8-02. Driving after license revoked or suspended.

(1) No person whose operating privilege has been duly revoked or suspended pursuant to the laws of this state shall operate a motor vehicle upon any highway in this state during such suspension or revocation or thereafter before filing proof of financial responsibility or before that person has obtained a new license in this state including an occupational license, or the person' operating privilege has been reinstated under the laws of this state. No person may operate a commercial motor vehicle while ordered out-of-service under state or federal law. No person may operate a commercial motor vehicle while disqualified as provided in § 343.315 Wis. Stats.

(2) This section applies only to a person' first act of driving after revocation or suspension, except where the revocation or suspension that is the basis of the violation was imposed solely due to a failure to pay a fine or a forfeiture.

(3) Refusal to accept or failure to receive an order of revocation or suspension mailed by first class mail to such person' last known address shall not be a defense to the charge of driving after revocation or suspension. If the person has changed his or her address and fails to notify the department as required in § 343.22 Wis. Stats., failure to receive notice of revocation or suspension shall not be a defense to the charge of driving after revocation or suspension.

(4) In addition to other penalties for violation of this section, if a person has violated this section with respect to a motor vehicle which he or she is the owner, the court may order the vehicle impounded. The court may determine the manner and period of impoundment. The cost of keeping the vehicle constitutes a lien.

(5) If a motor vehicle impounded under subsection (4) of this section is subject to a security agreement or lease contract, the vehicle shall be released by the court to the lessor or secured creditor upon the filing of an affidavit by the lessor or secured creditor that the security agreement or lease contract is in default and shall be delivered to the lessor or secured creditor upon payment of the accrued cost of keeping the motor vehicle.

(Code 1982, § 7.015)

Sec. 8-03. Use of sidewalks for certain purposes prohibited.

No person shall drive, back or propel any vehicle on or across any sidewalk in the city except at established intersections, driveways and alleys. This section shall not apply to any maintenance or snow removal operation performed under the direction of the city.

(Code 1982, § 7.16)

Sec. 8-04. Vehicular and pedestrian traffic at airport.

(1) Definitions. The following words and phrases are defined as used in this section:

Emergency equipment means crash, fire and rescue or police motor vehicles and such other equipment as the municipal airport manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

Pedestrian means a person afoot.

Service, maintenance and construction equipment means approved equipment normally operated by Marshfield Airways, Inc., a fixed-base operator, and the Federal Aviation Administration on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This includes equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the city.

Vehicle means a device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.

(2) *Operation of vehicles on runways, taxiways and ramps.* Operation of vehicles on runways, taxiways and ramps shall be in accordance with the following:

(a) *Prohibited.* No vehicle shall enter, be driven upon, or operate upon any airport runway, taxiway, ramp, tie-down area or any area posted by signs prohibiting the entrance thereon.

(b) *Exceptions.* Exceptions shall be as follows:

1. The provisions of this section shall not apply to emergency equipment and service, maintenance and construction equipment when engaged in performing normal duties.

2. Aircraft owners may be granted authorization by the airport manager or his designated representative to operate a vehicle to reach their own aircraft in a tiedown area. Aircraft owners desiring to operate a vehicle for this purpose will request such authorization in advance. Any authorization granted shall apply to only a specific need request. Unless specifically authorized, aircraft owners shall not pass over any runway, taxiway or ramp and shall proceed through such tiedown area at a speed not to exceed ten miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of part 139, Federal Aviation Regulations.

(3) *Speed of vehicles.* No vehicle shall be driven upon any road within the perimeter of the airport, or upon other airport areas, in excess of the speed limit posted at the entrance to the airport, or within the

boundaries thereof if more than one speed limit shall be applicable, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about the airport.

(4) *Pedestrian traffic on airport.* No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie-down area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the airport manager. There shall be no pedestrian traffic on taxiways, runways and outlying areas of the airport except for those employees of the city, county, state, or federal government or contractors engaged in airport construction or maintenance work.

(5) *Enforcement and violation.* The airport manager and the police department shall enforce this section, and any person who shall violate any of these provisions shall, upon conviction thereof, forfeit a fine according to section 1-05 of this Code, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding 90 days.

(Code 1982, § 7.20)

Sec. 8-05. Operation of motor vehicles, all terrain vehicles and snowmobiles on city property.

It shall be unlawful for any person to operate a motor vehicle, all terrain vehicle, snowmobile or any other motorized vehicle; as those terms are defined in § 340.01 Wis. Stats. upon public property owned by the City of Marshfield or in the Marshfield public school district other than upon roadways or routes specifically designated for such operation, except for the operation of emergency or maintenance vehicles owned or operated by authorized municipal or school personnel. The director of public works or police chief is hereby authorized to permit the operation of vehicles described in this section, for specific occasions, and then only when they are satisfied that no damage to public property will result from such operations or they deem the operation is an emergency.

(Code 1982, § 7.21)

Sec. 8-06. Official traffic signs and signals.

(1) *Placement and maintenance.* The director of public works, in cooperation with the chief of police, shall place and maintain appropriate and necessary traffic signs, signals and markings conforming to the requirements of the Wisconsin Department of Transportation and state law.

(2) *Removal of unofficial signs and signals.* The board of public works shall have the authority granted by § 349.09Wis. Stats. and shall order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this chapter or § 346.41 Wis. Stats. The expense of removal may be assessed as a special tax pursuant to § 349.09 Wis. Stats.

(3) *Intersection control.* The director of public works may prohibit right turn on red or left turns at any intersection where such restrictions are necessary or convenient for traffic safety and control, pursuant to section 8-41.

(Code 1982, § 7.22; Ord. No. 936, § 6, 8-13-2002)

Sec. 8-07. Unnecessary noise prohibited.

No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, by excessive acceleration of the engine or by emitting unnecessary and loud muffler noises.

(Code 1982, § 7.23)

Sec. 8-08. Emergency regulations.

The chief of police shall make and enforce regulations necessary to carry out the provisions of this chapter. He is also empowered to make and enforce temporary regulations to cover emergencies or special conditions. Such authority shall include issuance of permits for parking on streets or in other areas otherwise prohibited in the following cases:

(1) In the case of nonresidents visiting residents of the city overnight where off-street parking would be unreasonably inconvenient or difficult, in the judgment of the chief of police, or designee, but for only three nights in succession.

(2) Where, in the judgment of the chief of police, or designee, any person has unreasonable difficulty removing his automobile from a street into a private driveway because of an accumulation of snow, ice or other hazardous conditions. This provision shall not apply during a snow emergency.

(Code 1982, § 7.24)

Sec. 8-09. Removal of vehicles.

(1) *Generally.* Whenever any traffic officer finds a vehicle standing upon a highway, street or alley in violation of a prohibition, limitation or restriction on stopping, standing or parking, he is authorized to have such vehicle moved to a place of safekeeping or to require the operator in charge thereof to move the vehicle to a place where stopping, standing or parking is not prohibited. Removal of the vehicle upon order of a member of the police department shall not relieve the owner or the operator of the vehicle from any penalty incurred because of such violation.

(2) *Penalties.* Any person whose motor vehicle is removed pursuant to this section shall pay a forfeiture of not less than $25.00 for the removal, in addition to whatever forfeitures may be imposed for the illegal standing or parking which led to the removal.

(Code 1982, § 7.25)

Sec. 8-10. State forfeiture statutes.

(1) *Generally.* Any forfeiture for violation of §§ 8.340.01—8.941.01 of the Code shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(2) *Local regulations.* Except as otherwise provided in this chapter, the penalty for violation of ss. 8-03, 8-44 and 8-82 of this chapter shall not be less than $20.00 nor more than $200.00 for the first offense and not less than $40.00 nor more than $500.00 for the second offense in two years.

(3) *Parking violations.* Forfeitures for parking violations shall be as follows:

(a) (a) The forfeitures for the following statutory violations shall be as indicated:

	Wis. Stats.		*Forfeiture*	
			Min.	*Max.*
1.	346.505	Stopping/ standing/parking prohibited in parking spaces reserved for vehicles displaying special registration plates or special identification cards	$30.00	$300.00
2.	346.51(1)	Improper parking on/off roadway	5.00	40.00
3.	346.52(1)	Stopping/standing in prohibited areas	5.00	40.00
4.	346.52(2)	Stopping/standing on highway by grade school	5.00	40.00
5.	346.53	Parking/standing where prohibited	5.00	40.00
6.	346.54	Improper parking/ standing of vehicle	5.00	40.00
7.	346.55(1)	Parking on left side of highway	5.00	200.00
8.	346.55(3)	Parking on posted private property	10.00	40.00

Notwithstanding the penalties listed in subsection (3)(a) of this section, any person having a vehicle registered in his/her name which is found to be parked in violation of section 8-77, 8-78, 8-79(2) or 8-80 shall, upon conviction thereof, forfeit not less than $5.00 nor more than $50.00, and any person having a vehicle registered in his/her name which is found to be parked in violation of section 8-79(1) shall, upon conviction thereof, forfeit not less than $5.00 nor more than $100.00, besides the costs of prosecution, or in default of such payment and costs, may be imprisoned in the city or county jail until such forfeiture and costs are paid, not to exceed five days; provided that such forfeiture shall not be imposed if the offender deposits a sum equal to the minimum forfeiture within 48 hours or a sum double the minimum forfeiture more than 48 hours after the issuance of the citation by the police department for such violation; all such deposits shall be in United States coin or currency. Deposits shall be placed in the envelope provided with the citation and put in the police department boxes located at the police station and throughout the city. The chief of police shall procure and install a reasonable number of such boxes and shall prepare or obtain suitable envelopes to be attached to the citation issued for such violations.

Sec. 8-11. Enforcement.

(1) *Enforcement procedure.* This chapter shall be enforced according to § 66.0114(1)(a)—(c), chapter 800 and §§ 345.20—345.53, Wis. Stats.

(2) *Deposit.* Deposits shall be made in accordance with the following:

(a) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police station or at the office of the clerk of court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall comply with § 345.26Wis. Stats. or, if the deposit is mailed, the signed statement required under § 345.26 Wis. Stats. shall be mailed with the deposit. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If he fails to appear in court at the time fixed in the citation, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or

2. If he fails to appear in court at the time fixed in the citation, and if the court does not accept the deposit as a forfeiture, he will be summoned into court to answer the complaint.

(b) The amount of the deposit shall be determined in accordance with the deposit schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under § 757.05(1) Wis. Stats. court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the chief of police, which

shall include the penalty assessment established under § 757.05(1) Wis. Stats. Deposits for nonmoving violations shall not include the penalty assessment.

(c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by § 345.26(3)(b) Wis. Stats.

(d) Any accepted deposits or forfeited penalties by the police department shall be delivered to the finance director within 20 days after receipt.

(3) *Stipulation of no contest.* Any person charged with a violation of this chapter except §§ 8.346.62(1) and 8.346.63(1) Wis. Stats. may make a stipulation of no contest pursuant to § 800.03 Wis. Stats., which shall be received at the police station or the office of the clerk of court within ten days of the date of the alleged violation. Such person shall, at the time of entering into the stipulation, make the deposit required under subsection (2) of this section if he has not already done so. A person who has mailed or filed a stipulation under this subsection may, however, appear in court on the appearance date and may be relieved from the stipulation for cause shown as required in § 800.03 Wis. Stats.

(Code 1982, § 7.31)

Sec. 8-12. Procedure for alternate enforcement of forfeiture recoveries in nonmoving traffic

In addition to all other methods of collecting forfeitures for nonmoving traffic violations (parking violations) provided for in this chapter, if the alleged violator of such a violation fails to pay the amount of forfeiture as provided on the citation issued for such violation, or fails to appear in court within 28 days after the issuance of the citation, the chief of police or his designee may take any or all of the actions authorized under §§ 345.28 and 345.34—345.47 Wis. Stats., inclusive. The additional cost of using the registration program as established under § 85.13 Wis. Stats. shall be assessed against and added to the amount of forfeiture to be paid by the alleged violator, all as authorized by § 345.28 Wis. Stats.

(Code 1982, § 7.32)

Sec. 8-13. Penalty.

All violations of the provisions of this chapter, not enforceable under ss. 8-10, 8-11 and 8-12, are subject to penalties provided at section 1-05 of this Code.

(Code 1982, § 7.30)

Secs. 8-14—8-40. Reserved.

Article II. Operation of Vehicles

Sec. 8-41. Traffic and parking controls.

(1) The director of public works, in coordination with the chief of police, shall maintain the Administrative Code of Traffic and Parking Regulations for the City of Marshfield, to include the establishment of traffic control signage and the establishment and enforcement of speed limits, parking and through-street designations, heavy traffic routes, one-way street and alley designations, and all other necessary and

convenient regulations for the control of traffic in and about the City of Marshfield, and including parking limitations.

(2) All additions, deletions or amendments to the Administrative Code of Traffic and Parking Regulations shall be submitted to the board of public works for review and approval, subject to the further review and approval of the council. Upon approval of the board of public works, and concurrence of the council, such additions, deletions or amendments to the Administrative Code of Traffic and Parking Regulations shall become enforceable, and violations of such code shall be deemed a violation of the Municipal Code, subject to penalties as provided in this chapter of the Municipal Code.

(Code 1982, § 7.02)

Sec. 8-42. Heavy traffic routes.

(1) *Prohibited.* No person shall operate any vehicle within the classification of heavy traffic as defined by § 349.17(2) Wis. Stats. over any street except those designated in the administrative code of traffic and parking regulations, unless such person has first been issued a permit by the city engineer's office, and such operation shall be limited to such routes, length of time, and other conditions as are set forth in such permit. The city engineer's office shall notify the police department as to the details of any such permit issued. This section shall not be construed as prohibiting the ordinary use of any street for the purpose of obtaining commodities to or from any place of business or residence fronting on such street. For the purpose of this section, the definition of "commodities" shall exclude waste construction materials consisting of fill soil, concrete, bituminous concrete, broken pavement, trees, or brush; and shall also exclude demolition materials including bricks, building stone, wood, masonry, roofing, siding, and plaster.

(2) *Special or seasonal weight limits.* The director of public works may impose special or seasonal weight limits to prevent injuries to the roadway of any highway, bridge or culvert within the jurisdiction of the city or for the safety of users of such highway, bridge or culvert, and shall be responsible for erecting signs giving notice thereof in accordance with § 349.16 Wis. Stats.

(3) *Exceptions.* This limitation on the weights of vehicles shall not apply to authorized emergency vehicles as defined in § 340.01 Wis. Stats. or city-owned motor vehicles while engaged in work off designated heavy traffic routes or to those vehicles providing local service on designated heavy traffic routes.

(4) *Penalty.* Any person who violates any of the provisions of this section shall, upon conviction thereof, be subject to the penalty provided in section 1-05 of this Code.

(Code 1982, § 7.11; Ord. No. 936, § 1, 2, 8-13-2002)

Sec. 8-43. One-way streets and alleys.

When necessary or convenient for traffic safety and control, the director of public works may designate public streets or alleys as one-way, pursuant to section 8-41, and upon any streets or alleys so designated and posted, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the specific direction is exhibited.

(Code 1982, § 7.12; Ord. No. 936, § 1, 2, 8-13-2002)

Sec. 8-44. School buses and school crossing guards.

(1) *Signal required.* Pursuant to the authority granted by § 349.21 Wis. Stats. it is required that school bus operators operating in the residence or business district, when pupils or other authorized passengers are to

be loaded or unloaded at a location at which there are no crosswalks or traffic signals, and such persons must cross the street or highway before being loaded or after being unloaded, shall actuate red flashing warning lights before stopping to load or unload pupils or other authorized passengers, and such lights shall not be extinguished until loading or unloading is completed and persons who must cross the highway are safely across.

(2) *Compliance with school crossing guard.* All persons shall comply with any lawful order, signal or discretion of a member of a school crossing guard when in the course of their regular duties. No operator of a motor vehicle shall fail or refuse to stop for a crossing guard when, in the performance of his duties, he directs by use of sign or signal.

(3) *Required stop for school bus flashing red lights.* No operator of a vehicle which approaches the rear or front of a school bus which has stopped on a street or highway and which is displaying flashing red warning lights shall proceed until having stopped his vehicle not less than 20 feet from the bus and having remained stopped until the bus resumes operation or until the operator extinguishes the flashing red signal lights.

(Code 1982, § 7.13)

Sec. 8-45. Crosswalks.

The board of public works shall establish and designate and thereafter maintain, or cause to be maintained by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary.

(Code 1982, § 7.14)

Sec. 8-46. Compression brakes.

(1) *Prohibition.* No person shall use motor vehicle brakes within the City of Marshfield which are in any way activated or operated by the compression of the engine of any motor vehicle or any unit or part thereof.

(2) *Exception.* It shall be an affirmative defense to prosecution under this section that the compression brakes are necessary for the protection of persons and/or property.

(Code 1982, § 7-33)

Sec. 8-47. Disorderly conduct with a motor vehicle.

No person shall, within the City of Marshfield, on public or private property, by or through the use of a motor vehicle, motorcycle, snowmobile, minibike, ATV or any other motorized vehicle, engage in violent, dangerous, abusive, unreasonably loud or otherwise disorderly conduct, including but not limited to unnecessary, deliberate or intentional: spinning of wheels, squealing of tires, revving of the engine, blowing of the horn, causing the engine to backfire, causing the vehicle in motion to raise one or more of its wheels off the ground or causing the vehicle to otherwise be operated in an erratic or dangerous manner under circumstances which tend to cause or provoke a disturbance.

(Ord. No. 989, § 1 (7.26), 8-26-2003)

Sec. 8-48. Use of Mobile Telephones Restricted

(1) Purpose. The purpose of this Section is to establish regulations regarding the use of mobile telephones while operating a motor vehicle in the City of Marshfield. It is the position of the City of Marshfield that the use of mobile telephones while operating a motor vehicle on the public roadways may cause the operator to maintain less than full time attention to the operation of said motor vehicle. The City of Marshfield further believes that the regulation of the use of mobile telephones while operating a motor vehicle in the City of Marshfield will enhance the safety of those persons operating motor vehicles as well as other drivers, passengers, pedestrians and the general populace.

(2) Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Section shall be as follows:

(a) "Mobile Telephone" includes, but shall not be limited to, cellular, analog, wireless and digital telephones. Mobile Telephone shall not include HAM radios operated by licensed individuals with the "Amateur Radio Plate" and CB radios.

(b) "Use" means to use a Mobile Telephone in:

1. Dialing
2. Answering
3. Talking
4. Listening
5. Texting or otherwise manipulating controls of a Mobile Telephone

(c) "Park Position" means (i) for an automatic transmission vehicle that the vehicle is in the Park gear or (ii) for a standard transmission vehicle that the vehicle is in the neutral gear and the brake is being utilized.

(3) Uses, Restrictions.

(a) No person shall operate a motor vehicle on any street or highway while engaging in any conduct defined as the "Use" of a Mobile Telephone unless the operator maintains both hands on the applicable steering device.

(b) Paragraph (a) of this Section shall not apply to a person who is using the Mobile Telephone:

1. To contact public safety personnel; or
2. While maintaining the vehicle in the Park Position either on public or private property; or
3. With a "hands-free device" which allows the operator to use both hands to operate the vehicle while using the Mobile Telephone.

(4) Exceptions.

(a) The provisions of this Section shall not apply to law enforcement personnel or operators of emergency vehicles when on duty and acting in their official capacities.

(b) The use of emergency 911 phone numbers shall not be prohibited for any person operating a motor vehicle in the City of Marshfield.

(5) Procedure Upon Violation. Anyone who shall violate the provisions of this Section, in addition to any other violation of the Wisconsin Motor Vehicle Code and to the extent that such violations occurred, shall, upon conviction thereof, forfeit not more than Seventy Five Dollars ($75.00).

Sec. 8-49. Neighborhood Electric Vehicles

(a) "Neighborhood Electric Vehicles" (NEV) means a self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety cle Safety Standards for "low-speed vehicles" under 49 CFR 572.3(b) and 571.500. "NEV" does not include an electric golf cart.

(b) NEV's shall be 4-wheeled and have a maximum speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight of less than 3,000 pounds.

(c) Permitted Users. To use an NEV on City streets as set forth in (4) below, the individual must have a valid driver's license.

(d) Permitted Use of NEV's on City Streets. A Permitted User may operate an NEV on the streets of the City of Marshfield having a posted speed limit of 35 miles per hour or less. Headlamps must be on during operation.

(e) Operation of NEVs. The operation of NEV's shall in all respects comply with Section 8.01 - 8.110 of the City of Marshfield Municipal Code.

(f) License. NEV's shall be licensed by the State of Wisconsin Department of Transportation and the license shall be issued to the owner of the vehicle.

(g) Enforcement. Enforcement of this ordinance regulating the use of NEV's within the City shall be pursuant to Section 8-11 of the City of Marshfield Municipal Code.

(h) Operation of NEVs is prohibited in those locations designated on the map attached to this ordinance.

(Ord. No. 1131, § 1, 8-26-2008)

Article III. Stopping, Standing and Parking

Sec. 8-76. School hours.

For purposes of this chapter, school hours are defined as being the hours between 7:30 a.m. and 4:00 p.m., Monday through Friday inclusive.

Sec. 8-77. Parking lot regulations.

(1) *Jurisdiction.* Jurisdiction over parking lots shall be as follows:

(a) The Board of Public Works shall be ultimately responsible for the construction, reconstruction, development, maintenance and operation of the municipal parking lots in the City of Marshfield and shall have the further responsibility of providing any onstreet parking which may be necessary or advisable, all of such responsibility and authority to be, however, subject to the final approval of the council.

(b) The enforcement of all parking regulations, presently in force or subsequently enacted, shall be under the direction of the police department.

(2) *Municipal parking lots.* Parking in municipal parking lots shall be in accordance with the following:

(a) Hours of operation. All municipal parking lots in the City of Marshfield, except the municipal lot at the Marshfield Municipal Airport, shall be unmetered parking lots, and the parking therein shall be as provided in subsection (2)(b) of this section.

(b) Unmetered lots. Parking in the lots described in subsection (2)(a) of this section shall be limited to three hours between 8:00 a.m. and 6:00 p.m. daily, except that parking stalls immediately adjacent to Second Street in the so-called post office lot at 201 South Chestnut Avenue shall be limited to 15 minutes. Overnight permit parking in the municipal lots shall be subject to the overnight parking restrictions set forth in section 8-79, except that the board of public works may establish overnight permit parking spaces with approval of the council. Such overnight permit parking spaces shall be designated by appropriate signs or other markings as overnight permit parking spaces. Daytime permit parking spaces shall be established by the board of public works with approval of the council and shall be designated by appropriate signs or other markings as daytime permit parking spaces. Fees for daytime and overnight parking permits shall be established by the board of public works with approval by the council. All permits shall be issued by the police department with all fees collected to be submitted to the finance director. The following table identifies the number of permits allowed for each municipal lot:

Lot Address	*Also Known As*	*Day Permits Allowed*	*Night Permits Allowed*
108 East Veterans Pkwy		*0*	*0*
106 South Maple		*15*	*6*
208 South Maple Avenue	Old City Hall	*17*	*5*
308 South Maple Avenue	Sears	*14*	*10*
408 South Maple Avenue	Theater	Unlimited	5
111 South Maple Avenue	Library	*20*	*5*
111 South Chestnut Avenue	Charles Apts.	Unlimited	*14*
201 South Chestnut Avenue	Post Office	0	*5*
408 South Chestnut Avenue	West 5th Street, Associated Bank	Unlimited	*5*
109 West 6th Street	West 6th Street, Heinzen Printing	Unlimited	*5*
109 West 5th Street	West 5th Street, Baltus	5	*5*

The limitations contained in the first sentence of this subsection shall not apply to persons to whom a complimentary parking permit has been issued by the chief of police or his designee.

(Code 1982, § 7.05; Ord. No. 1054, § 1, 7-12-2005; Ord. No. 1134, § 1, 8-12-2008)

Sec. 8-78. Parking in public places.

(1) *Generally.* No person shall park any vehicle in public parks or public grounds belonging to the city, except in designated parking places, or park or allow any vehicle to stand in any park or public grounds in the city whether occupied or unoccupied between the hours of 2:30 a.m. and 6:00 a.m.; provided that on nights when there are dances in the Wildwood Station or other entertainments or special programs in the parks or public grounds, cars may be parked in designated parking places until such dances or other programs or entertainments are over. This section shall not apply to vehicles of bona fide campers in the public campgrounds within the city, but shall apply to parking in terraces as defined in section 13-37(1) of this Code.

(2) *City parking areas.* No person shall park any vehicle, trailer, mobile home or other similar object on the city-owned property adjoining the city garage on the east, west and north sides. This shall not apply to:

(a) City-owned vehicles.

(b) Other vehicles owned by any person who is transacting business at the city garage.

(c) Vehicles owned by city employees when parked in designated areas.

(3) *Parking for the handicapped.* Parking for the handicapped shall be in accordance with the following:

(a) *Definitions.* As used in this subsection, the words and phrases used shall be as defined below:

1. Disabled person means any person disabled by paraplegia, amputation of leg, foot or both hands or if he is disabled by loss of use of a leg, foot or both hands, minimum faulty vision of 20/200 or other conditions certified by the Veterans' Administration or by a physician duly licensed to practice medicine in the state, resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty.

2. Other privileged person means a licensed driver upon whom a disabled person is regularly dependent upon for transportation or any employer who provides an automobile or motor home, whether owned or leased by him, for an employee's use, who is in possession of a statement from a physician duly licensed to practice medicine, certifying that the dependent person or employee is a disabled person as defined in subsection (3)(a)1 of this section.

(b) *Parking exemptions.* The time limitations imposed by this chapter on parking in any street or highway zone or parking lot, whether owned or leased by the city, of one-half hour or more, shall not apply to automobiles or motor homes described as follows:

1. Bearing special registration plates issued under § 341.14(1)(la), (lm) or (lq) Wis. Stats.

2. Bearing upon its visor or other visible location a special identification card for the physically disabled issued under § 343.51 Wis. Stats. Permits which have been issued by the Marshfield Police Department in the past shall continue to be valid for use only in the City of Marshfield until they expire, which shall not be more than three months following the effective date of the ordinance from which this section derives. Application for such special identification cards shall be on forms prescribed by the Wisconsin Department of Transportation, and shall be available at the Marshfield Police Department.

(c) *Width of parking spaces in lots.* The director of public works or his designee shall designate two spaces in each municipal parking lot, whether owned or leased, for the parking of disabled persons or other privileged persons as defined in this subsection. Each space shall comply with Americans with Disabilities requirements.

(Code 1982, § 7.06)

Sec. 8-79. Parking upon City streets and City owned lots

1) Street Parking Prohibited.

a) *May 1st through October 31st.* When signs have been erected at, or reasonably near, the corporate limits of the city, as provided by § 349.13 Wis. Stats., informing motorists that parking limitations exist, , motor vehicles will be allowed to park as follows unless otherwise signed.

On ditched or unimproved streets: during odd calendar months (May, July, September), vehicles will be allowed to park on the odd (north and east) sides of the streets. On even calendar months (June, August, October) vehicles will be allowed to park on the even (south and west) sides of the street.

Parking on curbed streets and the bulb portion of cul-de-sac streets shall be allowed on both sides unless otherwise signed.

Trailers, boats, vehicles, or any vehicle accessory or attachment which is not self-propelled shall not be parked overnight (2:30 AM to 6:00 AM) on any city streets or municipal parking lot. Trailers, boats, vehicle accessories and/or attachments affixed to a motor vehicle, shall be subject to the restrictions within this section and limited to one forty-eight hour time period after which time, the trailer, vehicle, accessory or attachment must be removed.

b) *November 1st through April 30th.* All regulations as stated in 8-79 (1) listed above shall apply with the following exceptions:

No person shall park any vehicle on any street in the city between the hours of 2:30 AM and 6:00 AM except emergency vehicles and physicians on an emergency call, and except as permitted pursuant to Section 8.08 of this Code.

2) City-owned lots. No person shall park any vehicle on any city-owned parking lot between the hours of 1:00 a.m. and 6:00 a.m. of any day, or 2:00 a.m. and 6:00 a.m. of any day during daylight saving time, except as follows:

(a) Those spaces in each city-owned lot as designated by the board of public works if a permit has been issued for such spaces as provided in section 8-77(2) of this Code.

(b) Those spaces in each city-owned lot as designated by the board of public works.

3) Snow emergency. This section does not apply in the event a snow emergency is declared pursuant to section 13-35(3).

(Code 1982, § 7.07; Ord. No. 1174, § 1, 2-9-2010; 1242 03/12/13)

Sec. 8-80. Parking type.

Parking on streets shall comply with § 346.54 Wis. Stats. On those streets which have been designated for angle parking, vehicles shall be parked at the angle to the curb indicated by appropriate marks or signs, provided that no part of any vehicle, its contents or load shall extend beyond the limits designated for such parking. The following areas are designated for angle parking:

(1) On West Blodgett Street between Chestnut Avenue and Walnut Avenue.

(2) On the south side of West Depot Street between Central Avenue and Chestnut Avenue.

(Code 1982, § 7.08; Ord. No. 955, § 1, 12-18-2001)

Sec. 8-81. Safety zones and loading zones; specific parking permits.

(1) *Established.* The board of public works shall establish safety zones and loading zones of such kind and character and at such places as it deems necessary for the protection of persons using the public streets. The board of public works may, in coordination with the chief of police and director of public works, also issue parking permits for such other specific purposes and at such places as it deems reasonable and necessary.

(2) *Marking.* The board of public works shall require the director of public works to mark lanes for traffic on street pavements at such places as it may deem advisable, consistent with the provisions of this section.

(3) *Restricted parking zones.* The board of public works may establish restricted parking zones to prohibit parking any vehicles except passenger automobiles in the parking space on each side of any street or alley where parking stalls are marked.

(Code 1982, § 7.15)

Sec. 8-82. Bus and taxicab parking.

No operator of any bus or taxicab shall stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that the operator of such vehicle shall temporarily stop in accordance with other parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers. Bus and/or taxicab stands may be designated by the board of public works, with the concurrence of the chief of police.

(Code 1982, § 7.18)

Secs. 8-83—8-110. Reserved.

Article IV. Bicycles and Skating

Sec. 8-111. Regulation of bicycles.

In addition to the requirements contained in § 347.489 Wis. Stats. adopted by reference in section 8-01 of this chapter, the following regulations will apply to bicycles:

(1) *Generally.* Except as herein provided, it shall be unlawful for any person to operate a bicycle upon any street in the City of Marshfield unless the bicycle is registered and tagged, as set forth in this section. This subsection shall apply to all residents of the City of Marshfield and to such nonresidents who operate bicycles upon the streets of the City of Marshfield habitually or frequently either in going to work or for other purposes, but shall not apply to casual travelers or tourists passing through the city on their bicycles.

(2) *Registration.* Upon acquisition of a bicycle, registration and reregistration shall be made by filing with the police department the name and address of the owner, together with a complete description of the bicycle, on forms provided by such department, as a public record. The registration fee shall be as set forth in subsection (3) of this section. Upon such registration the department shall cause an identification tag to be affixed to the bicycle, serially numbered to correspond to the registration number. Such tag shall remain affixed to the bicycle unless removed by the department for cause or for retagging upon reregistration.

(3) *Term, fee.* Registration shall be for a period of five years, commencing January 1, and shall be renewed at the end of each five-year period. The registration fee shall be $5.00 for the five-year period. All such registrations shall expire on December 31 of the applicable five-year period, and all bicycles shall be reregistered in the same manner and for the same fee as the registration commencing at the beginning of the

prior five-year period. In case of theft or loss of the registration tag, a duplicate shall be issued for a fee of $5.00. No person shall willfully remove, deface or destroy any such identification tag.

(4) *Right-of-way.* No person shall ride or propel any bicycle upon any part of any public street, highway, boulevard, sidewalk or alley in such a manner as to interfere with the rights of other persons using such street, highway, boulevard, sidewalk or alley, or in any other than a careful and prudent manner.

(5) *Speed.* No bicycle shall be ridden upon any public street, highway, boulevard or alley at a speed faster than is reasonable and proper for traffic conditions at the time, and every bicycle shall be operated with due regard to the safety of the operator and others upon the streets, highways, boulevards and alleys of the city.

(6) *Rules of the road.* Persons riding or propelling bicycles shall observe all traffic signs and signals and stop when and as required by such traffic signals and signs, shall signal for all turns and stops, ride at the right-hand side of the street or highway as near as may be to the street curb, pass to the left when passing vehicles or bicycles which are slower moving and on the right side when meeting. No person shall operate a bicycle upon any public street, highway, boulevard or alley abreast of or to the left of another person operating a bicycle except while passing such bicycle.

(7) *Hours of operation.* No person under the age of 12 shall operate a bicycle upon any public street, highway, boulevard or alley between the hours of 9:00 p.m. and 5:00 a.m.

(8) *Method of operation.* It shall be unlawful to operate a bicycle without at least one hand on the handlebars.

(9) *Sidewalk operation.* It shall be unlawful for any person to operate a bicycle on any sidewalk in the City of Marshfield, except as provided by the Administrative Code of Traffic and Parking Regulations, and then only if operated with due care and caution.

(10) *Penalties.* Penalties for violation of this section shall be as follows:

(a) Any person over the age of 15 years who shall violate the provisions of this section shall, upon conviction thereof, pay a forfeiture as prescribed by section 1-05 of this Code, plus the costs of prosecution. The maximum forfeiture shall not exceed the maximum forfeiture provided by the applicable Wisconsin Statute.

(b) Persons of the age of 14 and 15 years who shall violate the provisions of this section shall be ordered to appear in Marshfield Municipal Court and shall pay a forfeiture as prescribed by section 1-05 of this Code, except that the maximum shall not exceed the maximum permitted by the applicable Wisconsin Statute. Jurisdiction of offenses defined in this subsection shall be in the Marshfield Municipal Court of Wood County, Wisconsin.

(c) Parents or legal guardians of persons under the age of 14 years shall be held responsible for such child's violations of the provisions of this section as provided in § 346.77Wis. Stats. and, in the event of a conviction of such child for a violation of the provisions of this section, shall pay a forfeiture as provided by section 1-05 of this Code. The forfeiture, in any event, shall not exceed the maximum set forth in the applicable Wisconsin Statute.

(Code 1982, § 7.19; Ord. No. 936, § 3, 4, 8-13-2002)

Sec. 8-112. Regulation of skateboards, inline skates (roller blades and roller skis) and roller skates.

All on-street operation of skateboards, inline skates (roller blades and roller skis) and roller skates shall be conducted as far to the right of the traffic lane as possible, in a single file and flowing with traffic. All operations of these skateboards, inline skates and roller skates shall be during daylight hours unless the operator has a white light showing to the front and is wearing some type of reflective clothing or reflective strips on his/her clothing which can be seen from a distance of 500 feet to the rear and side. Further, all operation shall be consistent with rules of the

road established for bicycles. Skateboards, inline skates and roller skates shall be allowed on all city streets and sidewalks except as provided by the Administrative Code of Traffic and Parking Regulations.

(Code 1982, § 7.191; Ord. No. 936, § 3, 4, 8-13-2002)

Secs. 8-113—8-140. Reserved.

Article V. Snowmobiles

Sec. 8-141. Operation.

(1) *State snowmobile laws adopted.* Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the state statutes and section 8-01 of this Code are hereby adopted by reference and made part of this section as if fully set forth in this section. Acts required to be performed or prohibited by such statutes are required or prohibited by this section.

(2) *Applicability of rules of the road to snowmobiles.* The operator of a snowmobile upon a roadway shall, in addition to the provisions of chapter 350 Wis. Stats., be subject to §§ 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1) and (9) Wis. Stats.

(3) *Permitting operation by improper persons prohibited.* No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is incapable by reason of age, physical or mental disability, or is under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

(4) *Written consent of owner required.* The consent required under § 350.10(1)(f) Wis. Stats. shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one person, the consent of each shall be obtained.

(5) *Routes designated.* Except as provided in §§ 350.02 and 350.03 Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park or on any other public property in the city except on marked routes, trails, or areas as are authorized and designated in the Administrative Code of Traffic and Parking Regulations, except operation of snowmobiles on public streets is authorized when the operator is proceeding directly to or from an otherwise approved route and that distance does not exceed ten city blocks. Snowmobiles operating on public streets shall operate on the extreme right side of the roadway, to the extent possible.

(6) *Speed.* No person shall operate a snowmobile within the city in excess of 15 miles per hour on those routes designated in subsection (5) of this section.

(7) *Hours of operation.* No person shall operate a snowmobile within the city between 12:30 a.m. and 9:00 a.m.

(8) *Unattended vehicles.* No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

(9) *Operation on sidewalks or malls prohibited.* No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the city.

(10) *Operation on private premises restricted.* No person shall operate a snowmobile on any private property within the city not owned or controlled by him without the express permission of the owner.

(Code 1982, § 7.21; Ord. No. 936, § 5, 8-13-2002)

Chapter 9

LICENSES AND PERMITS

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Article I. In General

Sec. 9-01. Licenses required.

A license shall be required for each of the businesses or activities as provided in this chapter, at the indicated license fee, which shall be for one year unless otherwise indicated. Other businesses not listed in this chapter may require licenses or permits, together with fees therefor in such amounts as provided by other provisions of this Code.

(Code 1982, § 12.01)

Sec. 9-02. General provisions as to licenses.

(a) Fees to accompany application. License fees imposed in this chapter shall accompany the license application. The finance department shall issue the applicant a receipt for his license fee.

(b) Refunds. No fee paid shall be refunded unless the license is denied.

(5) Granting of licenses. Unless otherwise designated, licenses required by this chapter shall be issued by the city clerk only with the approval of the council, upon recommendation of the judiciary, license and cemetery committee.

(6) Terms of licenses. All licenses issued under this chapter shall expire on June 30 in the year of issuance unless issued for a shorter term, when they shall expire at 12:00 midnight of the last effective day of the license, unless otherwise provided by this Code or state laws.

(7) Form of license. All licenses issued under this chapter shall show the dates of issue and expiration and the activity licensed and shall be signed by the city clerk.

(8) Records of licenses. The city clerk shall keep a record of all licenses issued.

(9) Display of licenses. All licenses under this chapter shall be displayed upon the premises or vehicle for which issued or, if carried on the person, shall be displayed to any officer of the city upon request.

(10) Compliance with ordinances required. It shall be a condition of holding a license under this chapter that the licensee comply with all ordinances of the city. Failure to do so shall be cause for suspension or revocation of the license.

(11) Transfer of licenses. All licenses issued under this chapter shall be personal to whom issued, and no license shall be transferred without the consent of the council.

(12) Exemptions. No license other than a liquor or beer license shall be required under this chapter for any nonprofit educational, charitable, civic, patriotic or religious organization if the activity which would otherwise be licensed is conducted for the benefit of the members of the nonprofit organization or the public generally.

(13) Renewal of licenses. All applications for renewal of licenses under this chapter shall be made to the city clerk by April 15.

(14) Consent to inspection. An applicant for a license under this chapter thereby consents to the entry of police or authorized representatives of the city upon the licensed premises at all reasonable hours for the purposes

of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter all things found therein in violation of this chapter or state law.

(15) Revocation and suspension of licenses. Licenses may be revoked and suspended as follows:

(a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the council. No license shall be revoked except upon written verified complaint filed with the council by the mayor, a member of the council, the chief of police, the chairman of the license committee or a resident of the city. The licensee shall be served with a written copy of the complaint and shall be given an opportunity to be heard before the council. A Summons signed by the City Clerk shall command the licensee complained of to appear on a day and place, not less than 3 days and not more than 10 days from the date of issuance. The Summons and a copy of the Complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided for in Section 801 of the Wisconsin Statutes.

(b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross examine witnesses and, upon request, may have subpoenas issued by the mayor or presiding officer of the council to compel the attendance of witnesses.

(c) After hearing the evidence, the council may revoke such license or impose a limited period of suspension. The determination of the council shall be final, subject to review under chapter 68 Wis. Stats. unless the licensee shall be granted a further hearing by the council.

(d) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the council.

(e) The mayor or council may suspend the license of a licensee without hearing for a period not to exceed ten days.

(16) Issuance or renewal of licenses or permits. Issuance or renewal of licenses or permits shall be in accordance with the following:

(a) The finance director shall furnish the city clerk and building services supervisor and all other issuers of licenses and permits in the city with a list of persons who have failed to pay any and all local city taxes, including real estate taxes, personal property taxes and room taxes, or who owe the city any money for assessments, claims, or forfeitures resulting from a conviction of any city ordinance violation, or who owe the city any money for any service rendered or any obligation incurred. Prior to the issuance or renewal of any license or permit, the city clerk, building services supervisor, or other issuer of such license or permit shall ascertain whether or not the applicant, building owner, or any officer, agent or related predecessor license holder is indebted to the city as provided in this subsection and, if so, shall refuse to issue the license and/or permit.

1. For purposes of this Section, a "related predecessor license holder" means any business entity, owner or agent that has a substantial relationship to the current applicant or license holder such that their principals or parties in interest are substantially the same.

2. If real estate taxes are unpaid for property upon which the premises will be the subject of a license or permit, the license and/or permit shall not be issued for such premises regardless of whether the identity of the license holder or applicant is different than the person or entity responsible for the unpaid real estate taxes.

(b) Any applicant for a license or permit who is denied a license pursuant to subsection (16)(a) of this section shall have the right to an administrative hearing on the same pursuant to chapter 68 of the Wisconsin Statutes. Any applicant who is denied renewal of an alcoholic beverage license shall have the right to review of the denial pursuant to § 125.12 Wis. Stats.

(c) Upon a hearing for review of a license application denial under this paragraph, the Council shall have the authority to grant a license subject to such terms or conditions it may in its discretion determine reasonable to secure payment of obligations to the City and insure financial responsibility of the applicant.

1. Upon the failure of any licensee granted a license hereunder to meet the specified terms or conditions at any time during the license period for which such conditional license was issued, said license shall be revoked.

(Code 1982, § 12.02; Ord. No. 1185, § 1 - 15, 12-21-2010)

Secs. 9-3—9-20. Reserved.

Article II. Alcoholic Beverages

Sec. 9-21. State statutes adopted.

The provisions of chapter 125 of theWisconsin Statutes and all acts amendatory thereof and supplementary thereto relating to the regulation of intoxicating liquor and fermented malt beverages are adopted as a portion of this chapter so far as applicable, except as otherwise lawfully provided by this chapter. A violation of any provisions of chapter 125 Wis. Stats. And Wisconsin Administrative Code pursuant thereto shall constitute a violation of this chapter. Except as preempted by state law, this article II shall supersede any contrary or conflicting provision of the Municipal Code of the City of Marshfield.

(Code 1982, § 12.03(1))

Sec. 9-22. Definitions.

As used in this article, the term:

Alcohol beverages means fermented malt beverages, wine and intoxicating liquor.

City means the City of Marshfield.

Club means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

Committee means the judiciary, licensing and cemetery committee of the City of Marshfield Council.

Convenience store means an establishment selling gasoline at retail pumps and other automotive products, which may also sell groceries and other food products for on- or off premises consumption.

Fermented malt beverages means any beverage made of alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmelted grains or decorticated and degerminated grains or sugar containing 0.5 percent or more alcohol by volume.

Foreign business entity means any corporation not organized or incorporated under the laws of the State of Wisconsin.

Hotel means a hotel as defined in § 254.61(3) Wis. Stats. that is provided with a restaurant.

Intoxicating liquor means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5 percent or more alcohol by volume, which are beverages, but does not include fermented malt beverages.

Legal drinking age has the meaning prescribed in § 125.02(8m) Wis. Stats.

Licensed establishment means any establishment licensed by the council of the City of Marshfield to sell alcohol beverages pursuant to chapter 125 Wis. Stats.

Licensee means the holder of a retail "class A," "Class B," class "B," class "A," or "class C" license granted by the council of the City of Marshfield pursuant to chapter 125 Wis. Stats.

Person means a natural person, sole proprietorship, partnership, limited liability company, corporation or association, or the owner of a single-owner entity that is disregarded as a separate entity under chapter 71 Wisconsin Statutes.

Premises means the area described in a license or permit.

Restaurant means a restaurant as defined in § 254.61(5) Wis. Stats.

Sell, sold, sale and selling mean any transfer of alcoholic beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcoholic beverages or any shift, devise, scheme or transaction for obtaining alcohol beverages, including the solicitation of order for, or the sale for future delivery of, alcohol beverages.

Underage person means a person who has not attained the legal drinking age.

Wholesaler means a person, other than the brewer, manufacturer or rectifier, who sells alcohol beverages to a licensed retailer or to another person who holds a permit to sell alcohol beverages at wholesale.

Wine means products obtained from the normal alcoholic fermentation of the juices or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain 0.5 percent or more alcohol by volume.

Wine cooler means beverages containing products obtained from the normal alcohol fermentation of the juices or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine compounds sold as wine, vermouth, cider, perry, mead and sake, if such beverages contain not more than six percent alcohol by volume.

(Code 1982, § 12.03(2))

Sec. 9-23. License required.

A license is required as follows:

(1) *When required.* No person, except as provided by § 125.06 Wis. Stats., shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in or, for the purpose of evading any law or ordinance, give away or gift any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license, permit or authorization as provided in this chapter, or without complying with all the provisions of this chapter and all statutes, ordinances and regulations of the state and city applicable thereto.

(2) *Separate license required for each place of sale.* A license shall be required for each of those premises where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

(Code 1982, § 12.03(3))

Sec. 9-24. Classes of licenses.

There shall be the following classes and denominations of licenses which, when issued by the city clerk under the authority of the council after payment of the fee specified in this article, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in this article:

(1) *Retail "class A" intoxicating liquor license.* A retail "class A" intoxicating liquor license, when issued by the city clerk under the authority of the council, shall permit its holder to sell, deal and traffic in

intoxicating liquors only in original packages or containers which are to be consumed off the premises so licensed.

(2) *Retail "class B" intoxicating liquor license.* A retail "class B" intoxicating liquor license, when issued by the city clerk under authority of the council, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed, and in the original package or container in multiples not to exceed four liters at any one time to be consumed off the premises, except that wine may be sold in the original package or otherwise in any quantity to be consumed off the premises.

(3) *Class "A" fermented malt beverage retailer's license.* A class "A" retailer's fermented malt beverage license when issued by the city clerk under the authority of the council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles.

(4) *Class "B" fermented malt beverage retailer's license.* A class "B" fermented malt beverage retailer's license, when issued by the city clerk under the authority of the council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half of a percent of alcohol by volume, without obtaining a special license to sell such beverages.

(5) *Temporary class "B" fermented malt beverage license.* As provided in § 125.26(1) and (6) Wis. Stats. temporary class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, or to churches, lodges or societies, that have been in existence for at least six months before the date of application, and to posts of veteran's organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the council.

(6) *Temporary "class B" wine license.* Notwithstanding § 125.68(3) Wis. Stats., temporary "class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, or to churches, lodges or societies, that have been in existence for at least six months before the date of application and to posts of veteran's organizations authorizing the sale of wine containing not more than six percent alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who at the same time applies for a temporary class "B" beer license under § 125.26(6)Wis. Stats. for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent alcohol by volume from the stands while the fair is being held.

(7) *Wholesaler's license.* A wholesaler's fermented malt beverage license, when issued by the clerk under the authority of the council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to retailers, wholesalers or licensed dealers, not to be consumed in or about the premises of such wholesaler.

(8) *Retail "class C" licenses.* Retail "class C" licenses shall be issued as follows:

(a) In this subsection, "barroom" means a room that is primarily used for the sale or consumption of alcoholic beverages.

(b) A "class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(c) A "class C" license may be issued to a person qualified under § 125.04(5) Wis. Stats. For a restaurant in which the sale of alcoholic beverages accounts for less than 50 percent of gross receipts and which does not have a barroom if the city's quota prohibits the city from issuing a "class B" license to that person. A "class C" license may not be issued to a foreign business entity or a person acting as agent for or in the employ of another.

(d) A "class C" license shall particularly describe the premises for which it is issued.

(9) *Term.* All classes of licenses provided herein shall be effective on or after July 1 of each year, and shall expire the following June 30, except temporary licenses.

(Code 1982, § 12.03(4))

Sec. 9-25. License fees.

License fees shall be as follows:

(1) *Established.* The following fees and costs shall be paid for licenses to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in section 9-24 and chapter 125 Wis. Stats. In addition to all license fees required by this chapter, all applicants shall also pay an investigation fee of $15.00 as required by section 9-26(3). All such fees are payable after approval of the application and prior to the release of the license to the licensee, with the exception of temporary class "B" licenses, for which the fee shall be paid at the time the application is submitted:

(a) *Class "A" fermented malt beverage retailer's license.* The annual fee for a class "A" fermented malt beverage retailer's license shall be $100.00. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(b) *Class "B" fermented malt beverage license.* The annual fee for a class "B" fermented malt beverage license shall be $100.00. This license may be issued at any time for six months in any calendar year, for which 50 percent of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(c) *Temporary class "B" fermented malt beverage license.* The fee for a temporary class "B" fermented malt beverage license shall be $10.00.

(d) *Temporary "class B" wine license.* The fee for a temporary "class B" wine license shall be $10.00. However, there shall not be a fee if the temporary wine license is obtained along with a temporary fermented malt beverage license.

(e) *Fermented malt beverage wholesaler's license.* The annual fee for a fermented malt beverage wholesaler's license shall be $25.00.

(f) *"Class A" intoxicating liquor retailer's license.* The fee for a "class A" intoxicating liquor retailer's license shall be $250.00, and shall increase annually after 2002, pursuant to the following schedule:

Year - Fee
2003 - $300.00
2004 - 350.00
2005 - 400.00
2006 - 450.00
2007 and thereafter - 500.00

(g) *"Class B" intoxicating liquor retailer's license.* The fees for a "class B" intoxicating liquor retailer's license shall be as follows:

1. The fee for this license shall be $250.00, and shall increase annually after 2002, pursuant to the following schedule:

Year - Fee
2003 - $300.00
2004 - 350.00
2005 - 400.00
2006 - 450.00
2007 and thereafter - 500.00

2. In addition to the annual fee provided in section 9-25(1)(g)1, a fee of $10,000.00 shall be paid for initial issue of any license designated a "reserve" license, pursuant to § 125.51(3)(e)2 Wis. Stats.

3. The City of Marshfield hereby finds that it is in the interests of the public welfare to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new businesses with liquor licenses.

a. The holder of a Reserve Class B license may apply for an Economic Development Grant in an amount not to exceed $9,000 within twelve (12) months of the date of issuance of the Reserve Class B License. The holder shall complete an Application for Economic Development Grant for Reserve Class B Liquor Licenses, available from the City Clerk, and shall attach complete, legible copies of paid invoices or receipts evidencing or documenting improvements made to the licensed premises in an amount equal to or greater than the amount requested in the Economic Development Grant application.

b. The Reserve Liquor License Grant Review Team (hereinafter "Review Team"), consisting of the Clerk, Finance Director and the Planning and Economic Development Director, shall review the grant application and either approve or deny the application, as appropriate. The grant funds shall not be disbursed until the licensed premises listed on the application is operating and open to the public.

c. If the Review Team determines that the licensee is not in compliance with the approved license or grant application requirements set forth above, the Economic Development Grant request shall be denied and the Clerk shall make such findings in writing and cause to be delivered a copy of the findings to the licensee. If the licensee disagrees with the Review Team's determination, the licensee may file a written notice of appeal upon the Clerk within ten (10) calendar days of the delivery of the Review Team's findings to the licensee. The Clerk shall forward said notice of appeal to the Judiciary, License and Cemetery Committee, which shall hold a hearing thereon within fifteen (15) business days.

If the Judiciary, License and Cemetery Committee finds that the licensee is in compliance with license requirements and the grant application satisfies requirements set forth in subparagrah 3(a), above, then the Judiciary, License and Cemetery Committee shall notify the Review Team and the Review Team shall authorize the payment of the Economic Development Grant in

(h) *"Class C" wine license.* The annual fee for a "class C" wine license shall be $100.00.

(i) *Prorating of fees.* The fee for any license for less than 12 months shall be prorated according to the number of months including any fractional month for which such license is issued.

(2) *Cancellation for failure to pay fee.* The clerk shall issue each license approved by the council and shall make the license available at the clerk's office in city hall. Any license for which the license fee is not paid within 15 days of approval of the application by the council shall be returned to the council for cancellation or other disposition.

(Code 1982, § 12.03(5); Ord. No. 959, § 7, 4-9-2002; Ord. No. 980, § 1, 7-22-2003)

Sec. 9-26. License application.

The license application shall be submitted in accordance with the following:

(1) *Contents.* The application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by §§ 887.01—887.03 Wis. Stats. And shall be filed with the city clerk not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall and all rooms joined by connecting entrances.

(2) *Publication.* The city clerk shall publish each application for fermented malt beverage and/ or intoxicating liquor licenses or "class C" wine licenses. The application shall be published three successive days in the official city newspaper, and the cost of publication shall be paid by the applicant at the time the application is filed, as determined under § 985.08 Wis. Stats.

(3) *Fees for publication and investigation.* Upon the filing of the application, the applicant shall pay the city a sum for publication of the notice of the application for the license together with a nonrefundable investigation fee of $15.00.

(4) *Amending application.* Whenever anything occurs to change any fact set out in the application of any licensee and prior to the issue of such license, such licensee shall file with the issuing authority a notice, in writing, of such change within ten days after the occurrence thereof. Notice of such facts after issue of any license shall be grounds for reconsideration of the approval of any application, upon notice and public hearing.

(5) *Filing of application.* All renewal applications for liquor licenses shall be filed on or before April 15 of each license year. A late fee of $25.00 shall be imposed on any license renewal application filed after April 15.

(Code 1982, § 12.03(6))

Sec. 9-27. Qualification of applicants and premises.

Qualifications of applicants and premises shall be as follows:

(1) Natural persons. A retail class "A" or class "B" fermented malt beverage or "class A" or "class B" intoxicating liquor license shall be granted only to persons who meet the requirements imposed by § 125.04(5) Wis. Stats.

(2) Applicant to have malt beverage license. No retail "class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a class "B" retailer's license to sell fermented malt beverages.

(3) Right to premises. No applications will be considered unless the applicant has the right to possession of the premises described in the application for the license period, by lease or by deed.

(4) Corporate restrictions. Corporate restrictions shall be as follows:

(a) No license or permit may be issued to any corporation unless the agent of the corporation appointed under § 125.04(6) Wis. Stats. and the officers and directors of the corporation meet the qualifications of § 125.04(5)(a)1 and 3 and (b) Wis. Stats., and unless the agent of the corporation appointed under § 125.04(6) Wis. Stats. meets the qualification under § 125.04(5)(a)5 Wis. Stats. The requirement that the corporation meet the qualifications under § 125.04(5)(a)2, 125.04(5)(a)1 and (b) Wis. Stats. does not apply if the corporation has terminated its relationship with all the individuals whose actions directly contributed to the conviction. The agent shall provide written evidence satisfactory to the committee that the agent has sufficient authority over the business affairs of the corporation to be held personally responsible for the conduct of business at the licensed premises, pursuant to § 125.04(6)(a)2 Wis. Stats.

(b) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such persons. It shall be the duty of each corporate applicant and licensee to file with the city clerk a statement of transfers of stock within 48 hours after such transfer of stock.

(c) A license application may be denied and any license issued to a corporation may be revoked in the manner and under the procedure established in § 125.12 Wis. Stats. When more than 50 percent of the stock interest, legal or beneficial, in such corporation is held by any person not eligible for a license under this chapter or under state law. A person shall be deemed beneficial owner of any stock owned by a parent, sibling, child or spouse not directly involved with active management of the licensed premises, and of stock held by any other person in such circumstance that the committee may determine places the management and control of the operation of the licensed premises in a person not eligible for a license.

(5) Sales tax qualifications. All applicants for retail licenses shall provide proof, as required by § 77.61(11) Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.

(6) Connecting premises. Except in the case of hotels, no person may hold both a "class A" license and either a "class B" license or permit, a class "B" license or permit, or a "class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.

(7) Limitation on other business; class "B" premises. No class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the class "B" license or permit is issued is connected to the premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the class "B" premises. No other business may be conducted on premises operating under a class "B" license or permit. These restrictions do not apply to any of the following:

(a) A hotel.

(b) A restaurant, whether or not it is a part of or located in any mercantile establishment.

(c) A combination grocery store and tavern.

(d) A combination sporting goods store and tavern in towns.

(e) A combination novelty store and tavern.

(f) A bowling alley or recreation premises.

(g) A club, society or lodge that has been in existence for six months or more prior to the date of filing application for the class "B" license or permit.

(Code 1982, § 12.03(7))

Sec. 9-28. Investigation.

Upon receipt of an application for any retail class "A," "class A," class "B," or "class B" license or combination therefor or wholesale license, the city clerk shall send copies thereof to the fire department, building services supervisor and police department. The building services supervisor and the fire department either jointly or severally, within 15 days of receiving such copies, shall make a report, in writing, to the City Clerk, as to whether the premises meet the requirements of this chapter and the building, zoning, fire, and health codes. The police department shall report in writing to the committee chairman as to any police record of an applicant or an applicant's agent which may reflect habitual violation of law or conviction of a felony.

(Code 1982, § 12.03(8); Ord. No. 1155, § 1, 8-11-2009)

Sec. 9-29. Processing of application.

Procedures for processing the application are as follows:

(1) A license application shall be denied for operation on any premises, or with any equipment, for which taxes, assessments, forfeitures or other financial claims of the city are delinquent and unpaid unless an exception to such requirement is granted upon hearing pursuant to Section 9-02 (16)(c).

(2) No license shall be issued unless the premises conforms to the sanitary, safety and health requirements of the state building code, and the state board of health. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each gender and must conform to all ordinances of the city.

(3) The committee shall review the application, the reports of the departments, and all other information before it, and make a recommendation to the council.

(4) In determining whether a new class "A," "class A," class "B," or "class B" license or combination thereof should be granted, the committee and the council shall consider the following factors giving to each whatever weight is appropriate in the particular factual circumstances, subject to mandatory provisions of state law:

(a) Arrest and conviction record of the applicant, subject to the limitations imposed by §§ 111.321, 111.322 and 111.335 Wis. Stats.;

(b) The financial responsibility of the applicant;

(c) Whether the location and the premises where the licensed business is to be conducted are appropriate, considering neighboring uses.

(5) In regard to new license applications, an application may be denied based upon the applicant's arrest and conviction record if:

(a) Subject to ss. 111.321, 111.322, 111.335 and 125.12(1)(b) of the Wisconsin Statutes, generally requiring that offenses considered must substantially relate to the licensed activity, the applicant has habitually been a law offender.

(b) A violation of Chapter 125 of the Wisconsin Statutes or any violation which would have resulted in demerit points under Chapter 9 of the Marshfield Municipal Code may be presumed to be substantially related to the activities licensed under this Chapter.

(c) No violation of section 125.07(1)(a), Wis. Stats. or any local ordinance strictly conforming thereto may be considered for purposes of this section unless the applicant committed another violation within one year preceding the violation. However, if the applicant committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered for purposes of determining whether the applicant has been a habitual law offender

(d) If the applicant has accumulated offenses which would have resulted in 50 or more demerit points under this Chapter, it shall be presumed that the applicant has been a habitual law offender.

(6) License review upon renewal application. Any license which is the subject of renewal shall, prior to license expiration, be reviewed in accordance with the procedure for license investigation contained in subsection (2) of this section, and in accordance with such additional procedures as the committee may require.

(7) Opportunity to be heard shall be given by the council to any person for or against the granting of any license. Upon the approval of the applicant by the council, the city clerk shall issue the applicant a license, upon payment by the applicant of the license fee and required costs to the city.

(8) If the council denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the council and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to § 19.85(1)(b) Wis. Stats., unless the applicant requests such reconsideration be held in open session and the council consents to the request. Such written notice shall be mailed or served upon the applicant at least ten days prior to the council meeting at which the application is to be reconsidered.

(9) No application for any license which shall have been denied by the council for any reason shall again be considered by the council for a period of one year from the date of such denial.

(10) Numbering of license. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee.

(11) The City Clerk shall provide all new and renewed licensees with a copy of section Section 9-34 of the Marshfield Municipal Code pertaining to the demerit point assessment and disciplinary procedure.

(Code 1982, § 12.03(9); Ord. No. 1185, § 1 - 15, 12-21-2010; ORD 1298 4/28/15)

Sec. 9-30. Transfer and lapse of license

Procedures for the transfer and lapse of licenses shall be as follows:

(1) As to place. In accordance with the provisions of § 125.04(12)Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the council. An application for transfer shall be made on a form furnished by the city clerk. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is $10.00. Whenever a license is transferred, the city clerk shall forthwith notify theWisconsin Department of Revenue of such transfer. This

subsection does not apply to a license cense issued under § 125.51(4)(v) Wis. Stats. or to reserve "class B" licenses, as defined by § 125.51(4)(a)4 Wis. Stats.

(2) As to person. Transfers as to person shall be in accordance with the following:

(a) In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the city for reissuance of the license, and the city, as the licensing authority, shall in no way be bound to reissue the license to the subsequent purchaser.

(b) If a retail licensee becomes disabled, the city may, upon application, transfer the license to the licensee's spouse if that spouse may hold that type of license under the Wisconsin Statutes and complies with all requirements under this chapter applicable to original applicants, except that the spouse is exempt from payment of the license fee for the year in which the transfer takes place.

1. If the licensee becomes disabled, the licensee shall be granted a reasonable exception from the operation of Section 9-32(11) and 9-32(12).

(c) Upon the death of the licensee, the personal representative, the surviving spouse if a personal representative is not appointed, a trustee or a receiver may continue or sell or assign the business. Business may be continued under this subsection only if the fiduciary or surviving spouse is a lawful resident of the United States and the State of Wisconsin, for a period of 90 days from the licensee's date of death, unless the operator shall qualify for new license. Provided, however, the spouse or personal representative or a personal agent authorized in writing to supervise and control the actual operation of the licensed premises shall be an individual qualified to hold the appropriate license under § 125.04(5) Wis. Stats.

1. Upon the death of the licensee, a reasonable exception shall be granted from the operation of Sections 9-32(11) and 9-32(12).

(3) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the city clerk written notice of the replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the council, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, the license shall cease to be in effect upon receipt by the city clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the council until the successor agent or another qualified agent is appointed and approved by the city.

(4) Transfers where revocation or suspension proceedings are threatened or commenced shall be in accordance with the following:

(a) Retail class A or B liquor and fermented malt beverage licenses may not be transferred when any proceeding has been commenced by any authorized person or party or when any proceeding is authorized by the committee or council to revoke or suspend such license except as provided in subsection (4)(b) of this section.

(b) A retail class A or B liquor or fermented malt beverage license which is in jeopardy due to a pending license revocation proceeding may be transferred to the owner of the licensed premises where the license holder leases the premises or holds the premises under a land contract subject to the following terms and conditions:

1. The license has not been revoked following a lawful revocation hearing.

2. The licensee surrenders the license and the owner of the premises applies for the license.

3. License fees will not be prorated.

4. The license has not been transferred under threat of revocation within the past ten years.

5. The license holder does not receive any compensation or profit from the license transfer and does not continue to be active in the management and control of the premises.

(Code 1982, § 12.03(10); Ord. No. 1185, § 1 - 15, 12-21-2010)

Sec. 9-31. Posting licenses; defacement.

Licenses shall be posted, and defacement shall be prohibited in accordance with the following:

(1) Every person licensed in accordance with the provisions of this chapter shall immediately post such license and keep the license posted while in force in a conspicuous place in the room or place where such beverages are drawn or removed for service or sale.

(2) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

(Code 1982, § 12.03(11))

Sec. 9-32. General conditions and restrictions.

All retail liquor licenses granted under this article shall be granted subject to the following conditions, and all other conditions of this article, and subject to all other ordinances, statutes and regulations of the city and state applicable thereto:

(1) *Consent to entry.* Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the city at all reasonable hours for the purpose of inspection and search, and consents to the removal from such premises of all things and articles there found in violation of city ordinances or state laws, and consents to the introduction of such things and articles in evidence in a prosecution that may be brought for such offenses.

(2) *Minors.* No retail "class B" or class "B" licensee shall permit any underage person, as defined in theWisconsin Statutes, upon licensed premises except for the purpose of the transactions of business as an employee of the licensee or licensee's agent, to sell, dispense or give away alcoholic beverages to such person, unless accompanied by a parent, spouse or legal guardian who has attained the legal drinking age, except as provided at § 125.07 Wis. Stats.

(a) Family members of the licensee who are minors under the age of 18 years may work in the licensed premises but are not permitted to sell or dispense alcoholic beverages.

(b) It is not a violation of this subsection if an underage person enters or remains in a room on class "B" or "class B" licensed premises separate from any room where alcoholic beverages are sold or served if no alcoholic beverages are furnished or consumed by any person in the room where the underage person is present and the chief of police of the City of Marshfield, or his designee, issues to the class "B" or "class B" licensee a written authorization for nonalcoholic activities or uses, permitting an underage person to be present under this subsection on the date specified in the authorization. Before issuing the authorization, the chief of police of the City of Marshfield or his designee shall make a determination that all alcoholic beverages on the premises are adequately secured and that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

(c) No person who holds a license or permit and no employee of such a person is civilly liable for retaining a document presented as proof of age for a reasonable length of time in a good faith effort to determine whether the person who presented the document is an underage person or to notify a law enforcement authority of a suspected violation of § 125.085(3)(a) or (b) Wis. Stats.

(3) *Disorderly conduct prohibited.* Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

(4) *Licensed operator on premises.* There shall be upon all licensed premises during hours of operation, at all times, the licensee, and/or members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, providing any fermented malt beverages or intoxicating liquor to customers. No person other than the licensee shall serve fermented malt beverages or intoxicating liquor in any place operated under a "class B," class "B," or "class C" license unless he possesses an operator's license, or there is a person with an operator's license upon the premises at the time of such service.

(5) *Health and sanitation regulations.* The rules and regulations of the state board of health governing sanitation in restaurants shall apply to all premises for which liquor licenses are issued under this chapter.

(6) *Restrictions near schools and churches.* Except as provided in § 25.68(3) Wis. Stats., no retail class A or class B license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the street or highway from the closest point of the maintenance entrance of such school, church or hospital to closest point of the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

(7) *Clubs.* No club shall sell or give away any fermented malt beverages or intoxicating liquors except to bona fide members and guests invited by members.

(8) *Improper exhibitions.* Improper exhibitions shall be restricted as follows:

(a) *Nude dancing in licensed establishments prohibited.* It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the license to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which: exposes his or her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or exposes any portion of the female breast at or below the areola; or exposes the covered male genitals in a discernable turgid state; or exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, anal region or pubic hair region; or engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.

(b) *Exemptions.* The provisions of this subsection do not apply to the following licensed establishments: theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(c) *Penalties.* Any person who violates any of the provisions of this subsection shall be subject to a forfeiture of not less than $500.00, and not more than $1,000.00 per violation. A separate offense and

violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this subsection constitutes sufficient grounds for suspending, revoking or nonrenewing an alcoholic beverage license under § 125.12 Wis. Stats. and section 9-34.

(9) *Closing hours.* Closing hours shall be in conformity with § 125.32(3) Wis. Stats. and further restricted as follows:

(a) *Class "B" licenses.* Closing hours for class "B" licenses shall be as follows:

1. No premises for which a retail "class B" liquor, class "B" fermented malt beverage, or "class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1.

2. Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses, and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of subsection (9)(a)1 of this section.

(b) *Carry-out hours.* Carry-out hours shall be as follows:

1. Between the hours specified in §125.32(3)(b), Wis. Stats., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a class "A" license, fermented malt beverages in original unopened packages, containers or bottles or for consumption away from the premises.

2. Between the hours specified in §125.68(4)(b), no person may sell intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises having a "class A" license.

3. Between the hours specified in §125.32(3) (am), no person may sell fermented malt beverages or intoxicating liquor on "class B" or class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

4. Between the hours specified in §125.68(4)(c)3., Wis. States, no person may sell intoxicating liquor on "class B" or class "B" licensed premise in an original unopened package, container or bottle or for consumption away from the premises.

(10) *Conduct of business in conjunction with another business.* No business under a "class A" liquor license, or under a combination of a "class A" liquor license and a class "A" fermented malt beverage license, shall be conducted in conjunction with any other business on the same premises, unless the area in which the liquor and/or beer is sold shall be arranged and constructed in a manner as to permit and facilitate its closing during the hours and days stipulated by the Wisconsin Statutes.

(11) *Time limit for beginning business.* Within 90 days from the issuance of a "class A" retail liquor license, class "A" retail fermented malt beverage license, "class B" intoxicating liquor license or a class "B" fermented malt beverage license, the licensee shall be opened for business with stock and equipment. In the event of his failure to do business within such time, his license shall be subject to revocation by the council after a public hearing. The committee may, for good cause shown, extend such 90-day period.

(12) *Failure to remain open.* If any licensee shall fail to remain open for business for a period of 90 consecutive days or more, his "class A" retail liquor license, "class A" retail fermented malt etail fermented malt beverage license, class "B" intoxicating liquor license or "class B" fermented malt beverage license shall be subject to revocation by the council after a public hearing.

(13) *Consumption outside of certain premises.* Intoxicating liquor and fermented malt beverages sold on premises may not be consumed by patrons or others outside of retail "class B" intoxicating liquor or fermented malt beverages premises as such premises are described in the relevant license application, and it shall be unlawful for a license holder to permit such consumption contrary to the terms of this article.

(14) *License quotas.* License quotas shall be as follows:

(a) The number of persons and places that may be granted liquor licenses under this article is limited as provided in the Wisconsin Statutes, except as provided in this subsection.

(b) In the event applications for previously unissued licenses of any class exceed the number of licenses available, the judiciary, licensing and cemetery committee shall conduct a lottery among qualified applicants to select the parties to be issued the available licenses.

(c) Population shall mean the number of inhabitants as determined in the last decennial federal census preceding the application in question.

(15) *Sales by persons holding operator's license.* Sales of fermented malt beverages and intoxicating liquor in class "A" and "class A" licensed premises shall be made only by persons holding a current operator's license under section 9-36, or by other persons at the establishment who are the age of 18 or older, provided such other persons are under the direct supervision, including the direct view, of a person holding a current operator's license under section 9-36.

(Code 1982, § 12.03(12); Ord. No. 895, § 2, 8-14-2001; Ord. No. 1066, § 1, 2, 3-28-2006; Ord. No. 1218, § 1, 1-24-2012)

Sec. 9-33. Restrictions on temporary fermented malt beverage or wine licenses.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcoholic beverage upon any city-owned property or privately owned property within the City of Marshfield, except through the issuance of a temporary class "B" fermented malt beverage license or temporary "class B" wine license issued by the council in accordance with Wisconsin Statutes and as set forth in this section. A temporary class "B" fermented malt beverage license or temporary "class B" wine license authorizing the sale and consumption of beer and/or wine on city-owned property or privately owned property may be authorized by the council provided the following requirements are met:

(1) *Compliance with eligibility standards.* The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in § 125.26(6) Wis. Stats. and shall fully comply with the requirements of this article.

(2) *Posting of signs and licenses.* All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person without proper identification.

(3) *Fencing.* If necessary due to the physical characteristics of the site, the council may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one point of ingress and egress. When required, the double fence shall be a minimum of four feet high, and there shall be a minimum of six feet between fences.

(4) *Underage persons prohibited.* No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale, unless accompanied by a responsible adult.

(5) *Licensed operators requirement.* A licensed operator shall be stationed at all points of sales at all times.

(6) *Waiver.* The council may waive or modify the requirements of this section due to the physical characteristics of the licensed site.

(7) *Insurance.* The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the city and its employees and agents harmless against all claims arising from injury to or the death of any person, or any damage to property, caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a certificate of comprehensive general liability insurance or a performance bond prior to being granted the license.

(8) *Beer and liquor not to be carried in or out.* No person shall bring fermented malt beverages or intoxicating liquor in any form of a container with him, or in his automobile, to any public function within the City of Marshfield for his own consumption, or consumption of others, except with permission of the council granted for such function. The term "public function" shall be construed to mean any function that is open to the general public with or without admission charge upon any premises in the city. The carry-out of any alcoholic beverage is prohibited, and such prohibition shall be strictly enforced by the organization.

(9) *Sale of fermented malt beverages on public grounds.* It shall be unlawful for any person to sell, dispense or serve alcoholic or soft drink beverages to any person, at any concession stand or otherwise upon any public grounds in the City of Marshfield, including the Oak Avenue ball diamond and the Marshfield Fairgrounds, except in paper or plastic cups or containers or in an original metal can. Glass bottles or other glass containers are prohibited.

(10) *Application for license.* Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the city clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of $200.00 and will be ineligible to apply for a temporary class "B" license for one year. The license shall specify the hours and dates of the license's validity. The application shall be filed a minimum of 15 days prior to the meeting of the council at which the application will be considered for events of more than three consecutive days. If the application is for a license to be used in a city park, the applicant shall specify the main point of sale facility.

(11) *Review of license.* Temporary class "B" fermented malt beverage and "class B" wine licenses will not be reviewed by the committee but will be reviewed by the city clerk prior to council action thereon. Council agendas shall have a general heading of "temporary liquor license," and such license applications approved by the city clerk as being in compliance with § 125.06(6) Wis. Stats. and this article will be submitted to the council for approval as a matter of course. However, any applicant desiring to appeal the city clerk's ruling to the council may do so by filing a written notice of appeal with the city clerk. Appeals may be acted upon by the council under the general heading on the council agenda relative to temporary licenses.

(Code 1982, § 12.03(13); Ord. No. 1137, § 1, 8-26-2008)

Sec. 9-34. Revocation and suspension of licenses; nonrenewal.

Policy and procedure for disciplinary actions relative to all retail intoxicating liquor and/or fermented malt beverage licenses, operator's licenses, agents, and other licenses and permits authorized in section 9-24 shall be as follows:

(1) License investigations. The following may initiate requests for investigations before the committee which may result in orders, suspensions, nonrenewals, delay in license issuance or revocation:

(a) The mayor;

(b) The council;

(c) The committee;

(d) The State of Wisconsin;

(e) An alderman;

(f) The police chief;

(g) The fire chief;

(h) The building services supervisor;

(i) The city attorney;

(j) Any city resident, by written complaint pursuant to § 125.12 Wis. Stats.

(2) Requests for investigations. Requests for investigations shall be in writing, to the city clerk and shall contain a brief statement of the alleged misconduct. The request shall be forwarded by the requesting party to the city clerk who shall place such request on the council agenda for referral to the committee or directly on the committee agenda with the permission of the committee chairperson. The city clerk or the committee secretary shall issue a summons requiring the licensee to attend the committee meeting at which the matter will be received. Documents which form a basis for a request for an investigation shall be available for the inspection of the licensee.

(a) The committee shall comply with the procedural requirements of § 125.12 Wis. Stats. and may reconsider any evidence or argument presented or made before it, whether or not obtained in or related to the written request for an investigation.

(b) The committee, upon requesting and receiving a recommendation from the city attorney's office, shall recommend to the council:

1. That no action be taken;

2. That the license be suspended, not renewed or revoked following statutory notice and opportunity to be heard, where the criteria for such action in subsection (4) of this section is met;

3. That an order be issued and served upon the licensee requiring that certain action be taken as a condition of maintaining such license and providing notice that revocation may be the penalty for failure to strictly comply with the letter and spirit thereof; or

4. That where the licensee leases or holds the licensed premises under a land contract, the license be transferred to the owner of the licensed premises in accordance with section 9-30(4).

(c) The committee shall have the obligation of notifying the licensee of any further proceedings before the council.

(d) The council may affirm, deny or modify any recommendations of the committee.

(3) Criteria for license revocation, nonrenewal or suspension. Any retail license who, within two consecutive license terms, equals or exceeds a total of 100 demerit points for the below described conduct committed by the licensee, or employee or agent thereof, whether or not charged and/or

convicted, shall have their license subject to revocation, nonrenewal or suspension, within the discretion of the council:

(a) Five demerit points for the first violation of each of the following within two consecutive license years:

1. Violation of chapter 125 Wis. Stats. and/or this article governing hours of permitted operation.

2. Violation of chapter 125 Wis. Stats., and/or this article with respect to the required posting and display of the license.

3. Violation of chapter 125 Wis. Stats. and/or this article with respect to the quantity of liquor permitted to be sold.

(b) Twenty-five demerit points, except as provided in subsections (3)(a) and (3)(c) of this sections:

1. Violation of chapter 125 Wis. Stats.

2. Violation of this article.

3. Filing of an untrue, incorrect and/or incomplete application in violation of section 9-26.

4. Violation of a state or federal misdemeanor criminal gambling law or knowingly permitting any such violation.

5. Violation of a state or federal misdemeanor criminal law or city ordinance prohibiting the use of marijuana or possession thereof with or without intent to sell or knowingly permitting any person to commit such violation.

6. A conviction for a criminal violation of § 346.63 Wis. Stats. relating to operating a motor vehicle while under the influence of an intoxicant or controlled substance, or with a blood alcohol concentration greater than or equal to 0.10 percent.

(c) For violations of section 9-32(2), and state statutes related to service of minors and minors on business premises, demerit points shall be assessed as follows:

1. Twenty-five demerit points for the first offense.

2. Fifty demerit points for the second and subsequent offenses.

3. No violation of Section 125.07(1)(a) Wis. Stats. or any local ordinances strictly conforming thereto may be considered for purposes of this section unless the licensee committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered for purposes of considering point accumulation during two consecutive license terms.

4. Demerit points for violation of section 9-32(2) and state statutes related to service of minors and minors on business premises may be reduced by ten demerit points, upon evidence of adequate good faith measures intended to prevent such violations. The defenses to such violation provided at § 125.07(6) Wis. Stats. shall apply to alleged violations under this section.

5. Violations of section 9-32(2) and state statutes related to service of minors and minors on licensed premises arising from a single or a closely related incident shall not be charged as multiple violations. It is intended by this subsection that violations by two or more persons in the same party or group, or two or more violations at the same time and place by one individual shall be considered a single incident, but multiple violations by unconnected individuals at the same time and place may be considered as separate violations.

6. Uncorroborated testimony by a minor accused of a violation of the provisions of section 9-45 of this section, or the equivalent state statutes, shall not be deemed sufficient evidence of a violation of section 9-32(2) or 9-33(4)

(d) Fifty demerit points shall be given for the following:

1. Obstruction of any law enforcement officer or knowingly permitting any person to engage in such conduct.

2. Violation of an order of the council.

3. Failing to appear before the committee or council when ordered to do so upon personal service of such notice at least 3 days prior to the scheduled appearance.

(e) One hundred demerit points shall be given for the following:

1. Violation of any state or federal criminal law prohibiting the sale, trafficking in or possessing with intent to sell of marijuana or any controlled substance, or knowingly permitting any person to commit such violation.

2. A conviction for a violation of state or federal criminal which is a felony if the circumstances of the charge substantially relate to the circumstances of the licensed activity.

(f) Discretionary demerit points. Nonscheduled offenses shall be the subject of such number of demerit points as designated by the council, within its discretion.

(g) Regardless of point accumulation under this Chapter, a license revocation, nonrenewal or suspension may be exercised for any reason authorized under Chapter 125 of the Wisconsin Statutes or this Chapter.

(h) The Judiciary, License and Cemetery Committee shall have the discretion to reduce demerit points assessed for a specific violation at a hearing under 9-34(9), including but not limited to undercover compliance checks.

(i) Any violation considered for purposes of this section shall be subject to ss. 111.321, 111.322, 111.335 and 125.12(1)(b) of the Wisconsin Statutes, generally requiring that offenses considered must substantially relate to the licensed activity, the applicant has habitually been a law offender.

(j) A violation of Chapter 125 of the Wisconsin Statutes or any violation which would have resulted in demerit points under Chapter 9 of the Marshfield Municipal Code may be presumed to be substantially related to the activities licensed under this Chapter.

(3) Automatic revocation. A license accruing 100 demerit points or more during two license periods shall be subject to revocation as a matter of course, absent compelling mitigating factors. If the council shall determine that such factors exist, it shall refer the matter to the committee for recommendation regarding a probationary period of continuation for the license holder. The committee, after consultation with the police department, city attorney and such other persons the committee deems appropriate, may recommend probationary provisions to the council, which shall be deemed sufficient to ensure future compliance with state statutes and this article. Pending such recommendation and further action by the council, the license shall be suspended, unless the council shall determine such suspension would result in extreme and undue hardship.

(4) Effect of charge dismissed. A dismissal of a criminal charge or civil forfeiture case on a violation which is also the subject of demerit points shall not, as a matter of law, nullify such charge for the purpose of review herein due to the differing burdens of proof and procedural requirements.

(5) Delay in license issuance. Any person or party who performs a licensed activity without first having obtained a proper license, or who, during a period of license suspension, or who, after license revocation or nonrenewal, unlawfully engages in a licensed activity, shall be barred from applying for the required license for a period of six months from the date of such offense.

(6) New licenses granted subject to demerit points. New licenses may be granted subject to such number of demerit points or other conditions as the council, in its discretion, may deem appropriate, irrespective of the nature of the offense, where the council has concern as to the arrest and conviction record, moral character and business responsibility of the applicant, which is insufficient for license denial.

(7) Time for action. Disciplinary action need not be commenced and completed in the same license year as the offense occurred. Where disciplinary actions are not commenced and completed within a license term, a license shall be granted subject to a "nonrenewal revocation hearing," to be held as soon as is practical.

(a) For offenses committed within the City of Marshfield under this Chapter, disciplinary action shall be commenced within 60 days of an offense which gives rise to the disciplinary action. If no action is taken within 60 days of the offense giving cause for the disciplinary action, no complaint based solely on that offense may be the basis for disciplinary action.

(8) Disciplinary hearings. Disciplinary hearings, including nonrenewal, suspension and revocation hearings, shall be held before the committee, which shall submit a report to the council, including findings of fact, and a recommendation as to what action, if any, the council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or licensee may make an objection, orally or in writing, to the report and shall have the opportunity to present arguments supporting the objection to the council. The council shall determine whether the arguments shall be presented orally or in writing, or both. If the council, after considering the committee's report and any arguments presented by the complainant and licensee, finds the complaint to be true, or if there is not objection to a report recommending a suspension, revocation or nonrenewal, the license shall be suspended, revoked or not renewed as provided by law. If the council finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. The city clerk shall give notice of each suspension, revocation or nonrenewal to the party whose license is affected.

(9) Judgment of conviction, as prima facie proof of violation. The judgment of conviction of any licensee, or employee or agent thereof, in any municipal, state or federal court, irrespective of whether obtained following a plea agreement, or bond forfeiture, shall be prima facie proof of such violation for purposes of this article. However, in the instance of any judgment of conviction entered pursuant to a no contest plea, or considered in law to be rendered pursuant to a no contest plea, such judgment of conviction as a prima facie case may be rebutted. Further, mitigating circumstances may be introduced with respect to any judgment of conviction.

(10) Application for determination of demerit points. Any licensee or party entitled to initiate a request for an investigation under subsection (1) of this section may at any time request the committee or the council to

determine whether or not conduct which has occurred constitutes a basis for demerit points and a report of outstanding demerit points. Any licensee may appeal imposition of demerit points by written application for hearing to the committee. Hearings concerning such appeals shall be conducted as provided at § 125.12 Wis. Stats. and this article.

(11) Violations by agents or employees. A violation of this article by an authorized agent or employee of a licensee acting in the course of his or her employment shall constitute a violation by the licensee. The licensee shall be notified of such violation by copy of the citation, or other written notice personally served or mailed to the licensee at the licensed premises.

(12) Commencement of penalties. Penalties shall commence the day after they have been imposed by the council. Days of suspension shall run consecutively.

(13) Periodic reports by police chief. The police chief shall file periodic reports with the city clerk of conduct by any licensee, or employees thereof, which may constitute a basis for demerit points. The city clerk shall provide each licensee with a summary of demerit points affecting the license annually at the time an application for renewal is received, or upon request. The committee, at license renewal time, or at any earlier time deemed appropriate may bring such matters to the attention of the city attorney and make a request for a recommendation on disciplinary action.

(14) Exceptions. This section shall apply to operator's licenses, except accrual of 50 or more demerit points shall constitute grounds for revocation of an operator's permit.

(Code 1982, § 12.03(14); Ord. No. 1120, § 1, 12-18-2007; Ord. No. 1185, § 1 - 15, 12-21-2010; Ord 1298 4/28/15)

Sec. 9-36. Operator's license required.

An operator's license is required as follows:

(1) Operator's licenses. Except as provided in Wisconsin Statutes or specifically set forth in this article, no premises operated under a retail liquor "class A," "class B," or "class C" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a business entity, or some person who has an operator's license and who is responsible for the acts of all persons serving any alcoholic beverages to customers. For the purpose of this article, any member of the licensee's or permittee's immediate family who has attained the age of 18 and resides in the same household as the licensee shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittees immediate family, other than the licensee, permittee or agent, may serve alcoholic beverages in any place operated under a retail liquor license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premisesat the time of the service.

(2) Use by another prohibited.

(a) No person may allow another to use his or her operator's license or permit to sell alcoholic beverages.

(b) The license or permit of a person who violates subsection (2)(a) of this section shall be revoked.

(3) The procedure upon application for an operator's license shall be as follows:

(a) The council may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the City clerk and only to a person 18 years of age or older. Operator's licenses shall be operative only within the limits of the city.

(b) All full-term operator's license renewals must be applied for by May 1 of the year the license expires to allow sufficient time for conducting property background checks prior to the May meeting of the committee. The fee required by this article must accompany the application.

(c) All applications are subject to an investigation by the chief of police and/or other appropriate authority to determine whether the applicant to be licensed complies with all regulations, ordinances and laws applicable thereto. The police department shall conduct an investigation of the applicant including, but not limited to, requesting information from the state, surrounding municipalities, and any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the chief of police or his designee shall provide a written recommendation for approval or denial of the application.

(4) Standard operator's licenses issued under the provisions of this chapter shall be valid for a period of not more than two calendar years and shall expire on June 30 of each calendar year ending with an odd number. This provision shall also apply to all partial term licenses issued under the provisions of this chapter which partial term licenses shall also expire on June 30 of each calendar year ending with an odd number.

(5) The fee for an operator's license and criteria for issuance of provisional licenses are as follows:

(a) Fee. The fee for an operator's license shall be as follows:

1. The fee for a standard operator's license shall be $20.00 for the two-year term plus a nonrefundable investigation fee which shall be set by the City Clerk at the time of the application and limited to the actual cost incurred by the City for the applicant's background investigation.

2. Partial year licenses may be issued under this article with the license fee prorated according to the following schedule:

i. Licenses granted for a period of time of less than two years but greater than one year shall be $20.00, plus the nonrefundable investigation fee.

ii. License granted for a period of time of one year or less, including the transition year from current procedure, shall be $15.00, plus the nonrefundable investigation fee.

iii. The nonrefundable investigation fee shall be set by the City Clerk at the time of the application and shall be limited to the actual cost to the City for the background investigation.

(b) *Provisional license.* The city clerk may issue provisional operator's licenses to persons applying for an operator's license in accordance with § 125.17(5) Wis. Stats. The fee for such license shall be $15.00. The provisional operator's licenses shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The city clerk may, upon receipt of an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described in this section. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program. Provisional licenses may not be issued to any persons who have been denied operator's licenses by the council or who have had their operator's licenses revoked or suspended within the preceding 12 months. The city shall provide an appropriate application form to be completed in full by the applicant. The city clerk may revoke a provisional license issued if he discovers that the holder of the license made a false statement on the application. Following completion of the responsible beverage server training course and notification from the school, the license application will be presented to the committee, for referral to the council. If approved by the council, the regular operator's license shall be issued as provided above.

(c) *Refund of fee.* If a license is denied, the license fee shall be refunded. Upon issuance of the license, all fees become nonrefundable, regardless of subsequent use, surrender or termination.

(6) An operator's license shall be issued or denied in accordance with the following:

(a) After the council approves the granting of an operator's license, the city clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and date of the expiration of such licenses.

1. If the application is denied by the council, the city clerk shall give the applicant written notice of the denial, the reasons therefore, and of the opportunity to request reconsideration of the application by the committee in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten days prior to the council's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

2. If, upon reconsideration, the council again denies the application, the city clerk shall notify the applicant in writing of the reasons therefore and informing the applicant of the right to apply for judicial review in accordance with Section 125.12(2)(d), Wis. Stats.

(b) Consideration for the granting or denial of a license will be based on:

1. Arrest and conviction record of the applicant, subject to the limitation imposed by §§ 111.321, 111.322, 111.335 Wis. Stats.;

2. Whether the licensee has been convicted of or committed offenses substantially related to the licensed activity, pursuant to section 9-34(15).

(c) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the bar immediately preceding the license application or activities or violations which would result in 50 demerit points under the provisions of section 9-34(3). Because a license is a privilege, the issuance of which is a right granted solely by the council, the council reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license.

(7) A training course shall be taken by the applicant for an operator's license in accordance with the following:

(a) Except as provided in subsection (2) of this section, the council shall not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the state department of revenue or the educational approval board, or unless the applicant fulfills one of the following requirements:

1. The person is renewing an operator's license.

2. Within the past two years, the person held a class "A," class "B," or "class C" license or permit or a manager's or operator's license with the State of Wisconsin.

3. Within the past two years, the person has completed such a training course.

(b) The council may issue a provisional operator's license to a person who is enrolled in a training course under subsection (1) of this section and shall revoke that license if the applicant fails to complete the course in which he or she enrolls.

(c) The council may not require that applicants for operator's licenses undergo training in addition to that under subsection (1) of this section, but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under subsection (1) of this section.

(8) Each operator's license issued under the provisions of this chapter shall be posted on the premises or be in the operator's possession whenever the operator dispenses beverages.

(9) Violation of any of the terms or provisions of the state law or of this article by any person holding such operator's license shall be cause for revocation, suspension or nonrenewal of the license, pursuant to section 9-34(a).

(10) An Operator's license shall be subject to the provisions of Section 9-34, except that revocation as a matter of course shall be based upon the accrual of 50 demerit points during two license periods.

(Code 1982, § 12.03(20); Ord. No. 1185, § 1 - 15, 12-21-2010)

Sec. 9-37. Procedure upon application.

The procedure upon application for an operator's license shall be as follows:

(1) The council may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the city clerk and only to a person 18 years of age or older. Operator's licenses shall be operative only within the limits of the city.

(2) All full-term operator's license renewals must be applied for by May 1 of the year the license expires to allow sufficient time for conducting property background checks prior to the May meeting of the committee. The fee required by this article must accompany the application.

(3) All applications are subject to an investigation by the chief of police and/or other appropriate authority to determine whether the applicant to be licensed complies with all regulations, ordinances and laws applicable thereto. The police department shall conduct an investigation of the applicant including, but not limited to, requesting information from the state, surrounding municipalities, and any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the chief of police or his designee shall provide a written recommendation for approval or denial of the application.

(Code 1982, § 12.03(21))

Sec. 9-38. Duration.

Standard operator's licenses issued under the provisions of this chapter shall be valid for a period of not more than two calendar years and shall expire on June 30 of each calendar year ending with an odd number. This provision shall also apply to all partial term licenses issued under the provisions of this chapter which partial term licenses shall also expire on June 30 of each calendar year ending with an odd number.

(Code 1982, § 12.03(22))

Sec. 9-39. Operator's license fee; provisional licenses.

The fee for an operator's license and criteria for issuance of provisional licenses are as follows:

(1) Fee. The fee for an operator's license shall be as follows:

(a) The fee for a standard operator's license shall be $20.00 for the two-year term plus a nonrefundable investigation fee of $5.00.

(b) Partial year licenses may be issued under this article with the license fee prorated according to the following schedule:

1. Licenses granted for a period of time of less than two years but greater than one year shall be $20.00, plus the investigation fee.

2. License granted for a period of time of one year or less, including the transition year from current procedure, shall be $15.00, plus the investigation fee.

(2) *Provisional license*. The city clerk may issue provisional operator's licenses in accordance with § 125.17(5) Wis. Stats. The fee for such license shall be $15.00. The provisional operator's licenses shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The city clerk may, upon receipt of an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described in this section. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program. Provisional licenses may not be issued to any persons who have been denied operator's licenses by the council or who have had their operator's licenses revoked or suspended within the preceding 12 months. The city shall provide an appropriate application form to be completed in full by the applicant. The city clerk may revoke a provisional license issued if he discovers that the holder of the license made a false statement on the application. Following completion of the responsible beverage server training course and notification from the school, the license application will be presented to the committee, for referral to the council. If approved by the council, the regular operator's license shall be issued as provided above.

(3) *Refund of fee*. If a license is denied, the license fee shall be refunded. Upon issuance of the license, all fees become nonrefundable, regardless of subsequent use, surrender or termination.

(Code 1982, § 12.03(23))

Sec. 9-40. Issuance or denial of operator's licenses.

An operator's license shall be issued or denied in accordance with the following:

(1) After the council approves the granting of an operator's license, the city clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and date of the expiration of such licenses.

(2)

(a) If the application is denied by the council, the city clerk shall give the applicant written notice of the denial, the reasons therefor, and of the opportunity to request a reconsideration of the application by the committee in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten days prior to the council's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

(b) If, upon reconsideration, the council again denies the application, the city clerk shall notify the applicant in writing of the reasons therefore and informing the applicant of the right to apply for judicial review in accordance with Section 125.12(2)(d), Wis. Stats.

(3) Consideration for the granting or denial of a license will be based on:

(a) Arrest and conviction record of the applicant, subject to the limitation imposed by §§ 111.321, 111.322, 111.335 Wis. Stats.;

(b) Whether the licensee has been convicted of or committed offenses substantially related to the licensed activity, pursuant to section 9-34(15).

(4) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the bar immediately preceding the license application or activities or violations which would result in 50 demerit points under the provisions of section 9-34(3). Because a license is a privilege, the issuance of which is a right granted solely by the council, the council reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license.

(a) No violation may be considered for purposes of this section unless the applicant committed another violation within one year preceding the violation. However, if the applicant committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered for purposes of determining whether the applicant has been a habitual law offender.

(Code 1982, § 12.03(24); Ord. No. 1171, § 1, 2-9-2010; Ord. No. 1185, § 1 - 15, 12-21-2010)

Sec. 9-41. Training course.

A training course shall be taken by the applicant for an operator's license in accordance with the following:

(1) Except as provided in subsection (2) of this section, the council shall not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the state department of revenue or the educational approval board, or unless the applicant fulfills one of the following requirements:

(a) The person is renewing an operator's license.

(b) Within the past two years, the person held a class "A," class "B," "class A," "class B," or "class C" license or permit or a manager's or operator's license with the State of Wisconsin.

(c) Within the past two years, the person has completed such a training course.

(2) The council may issue a provisional operator's license to a person who is enrolled in a training course under subsection (1) of this section and shall revoke that license if the applicant fails to complete the course in which he or she enrolls.

(3) The council may not require that applicants for operator's licenses undergo training in addition to that under subsection (1) of this section, but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under subsection (1) of this section.

(Code 1982, § 12.03(25))

Sec. 9-42. Display of license.

Each operator's license issued under the provisions of this chapter shall be posted on the premises or be in the operator's possession whenever the operator dispenses beverages.

(Code 1982, § 12.03(26))

Sec. 9-43. Revocation of operator's license.

Violation of any of the terms or provisions of the state law or of this article by any person holding such operator's license shall be cause for revocation of the license, pursuant to section 9-34(15).

(Code 1982, § 12.03(27))

Sec. 9-45. Regulation of underage persons.

The following shall apply to underage persons:

(1) As provided for in § 125.10(2) Wis. Stats. the provisions of §§ 125.07(1) and (3) and 125.07(4)(a), (b) and (bm) Wis. Stats., regulating the conduct of underage persons, are expressly adopted and incorporated into this article by reference.

(2) False identification, proof of age. The provisions of § 125.085 Wis. Stats. Regarding falsification of proof of age are hereby adopted by reference and may be prosecuted as a municipal ordinance violation under this article.

(3) Penalties applying to underage persons. Penalties applying to underage persons shall be as follows:

(a) Any person violating subsection (1) of this section is subject to the following penalties:

1. For a first violation, a forfeiture of not less than $250.00 nor more than $500.00, suspension of the person's operating privilege as provided under § 343.30(6)(b)1 Wis. Stats., participation in a supervised work program under § 125.07(4)(cg) Wis. Stats., or any combination of these penalties.

2. For a violation committed within 12 months of a previous violation, either a forfeiture of not less than $300.00 nor more than $500.00, suspension of the person's operating privilege as provided under § 343.30(6)(b)2 Wis. Stats., participation in a supervised work program under § 125.07(4)(cg) Wis. Stats., or any combination of these penalties.

3. For a violation committed within 12 months of two previous violations, either a forfeiture of not less than $500.00 nor more than $750.00, revocation of the persons operating privilege under § 343.30(6)(b)3 Wis. Stats., participation in a supervised work program under § 125.07(4)(cg) Wis. Stats., or any combination of these penalties.

4. For a violation committed within 12 months of three or more previous violations, either a forfeiture of not less than $750.00 nor more than $1,000.00, revocation of the person's operating privilege under § 343.30(6)(b)3 Wis. Stats., participation in a supervised work program under § 125.07(4)(cg) Wis. Stats., or any combination of these penalties.

5. When a court revokes or suspends a person's operating privilege under this subsection, the department of transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county, corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this subsection may not disclose the information to any other persons or agency.

(b) Any person violating subsection (2) of this section is subject to the following penalties:

1. For a first violation, a forfeiture of not less than $100.00 nor more than $200.00, participation in a supervised work program under § 125.07(4)(cg) Wis. Stats., or any combination of these penalties.

2. For a violation committed within 12 months of a previous violation, either a forfeiture of not less than $200.00 nor more than $300.00, suspension of the person's operating privilege as provided under § 343.30(6)(b)2 Wis. Stats., participation in a supervised work program under § 125.07(4)(cg) Wis. Stats., or any combination of these penalties.

3. For a violation committed within 12 months of two previous violations, either a forfeiture of not less than $300.00 nor more than $500.00, revocation of the person's operating privilege under § 343.30(6)(b)3 Wis. Stats., participation in a supervised work program under § 125.07(4)(cg) Wis. Stats., or any combination of these penalties.

4. For a violation committed within 12 months of three or more previous violations, either a forfeiture of not less than $500.00 nor more than $1,000.00, revocation of the person's operating privilege under § 343.30(6)(b)3 Wis. Stats., participation in a supervised work program under § 125.07(4)(cg) Wis. Stats., or any combination of these penalties.

(Code 1982, § 12.03(30))

Sec. 9-46. Possession or drinking in public places.

Possession or drinking of malt beverages or intoxicating liquor in public places is prohibited as follows:

(1) It shall be unlawful for any person to have in his or her possession any open can, bottle or other container containing fermented malt beverages or intoxicating liquor, or to drink from the can, bottle or other container, on any public street, sidewalk, boulevard, parkway, safety zone, alley or public parking lot, or on any city-owned property, except city parks, but including the Marshfield Fairgrounds, the campuses of the University of Wisconsin Extension and Mid-State Technical College; or in any motor vehicle parked on a public street, alley, or public parking lot.

(2) The council may, at its discretion, permit exceptions to the provision of subsection (1) of this section, by resolution, specifying the time, place and any limitations on the described conduct.

Sec. 9-47. Penalties

Penalties for violations of this article shall be as follows:

(1) Forfeitures for violations of §§ 125.07(1)—(4), 125.09(2), and 125.085 Wis. Stats., adopted by reference by the Code of Ordinances of the City of Marshfield, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses.

(2) Any person who shall violate any provision of this article, except as otherwise provided in subsection (1) of this section, or who shall conduct any activity or make any sale for which a license is required without

holding such a license, shall be subject to a forfeiture as provided in section 1-05 of this Code of the City of Marshfield.

(3) Nothing in this section shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

(Code 1982, § 12.03(31))

Secs. 9-48—9-50. Reserved.

Article III. Miscellaneous Licenses

Sec. 9-51. Dog and cat licensing and regulation.

(1) Individual animal licenses. Every owner of a dog, cat or other animal, except livestock, more than five months of age on January 1 of any year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, pay his dog, cat or animal license tax and obtain the license therefor. Any dog, cat or other animal who becomes five months of age after January 1 but before October 1 shall require a license for that year. No such license shall be issued without proof of compliance with the rabies control provisions in subsection (3) of this section. The word "owner" when used in this section includes every person who owns, harbors or keeps a dog, cat or other animal.

(2) Fees. The license fees are as follows:

(a) Neutered male dog - $8.00

(b) Neutered male cat or other animal - $6.00

(c) Un-neutered male dog - $16.00

(d) Un-neutered cat or other animal - $12.00

(e) Spayed female dog - $8.00

(f) Spayed female cat or other animal - $6.00

(g) Un-spayed female dog - $16.00

(h) Un-spayed female cat or other animal - $12.00

(i) Late fee - $5.00

(3) Rabies control. Requirements for rabies control shall be as follows:

(a) No person shall keep, house, harbor, maintain or permit any dog, cat or other animal over the age of five months, except livestock, to be maintained within the corporate limits of the city unless such dog, cat or other animal has been vaccinated against rabies. The owner of any dog, cat or other animal housed, kept, maintained or harbored within the corporate limits of the city shall be responsible to ensure that the dog, cat or other animal is effectively immunized against rabies at all times.

(b) Any person violating subsection (3)(a) of this section may be required to forfeit not more than $100.00, together with the costs of prosecution, and upon default of the payment of such forfeiture and costs, may be imprisoned in the county jail until such fine and costs are paid, but not to exceed ten days for each such offense.

(c) The finance director shall not issue any dog, cat or other animal license or collar tag pursuant to § 174.07 Wis. Stats. until such time as the finance director has been presented evidence that the dog, cat or other such animal sought to be licensed has been vaccinated and is effectively immunized against rabies.

(4) Animal pound. The board of public works shall provide a suitable enclosure as a dog and animal pound, which shall be accessible to city residents. The board shall provide a cage or other suitable enclosure to convey such dogs and animals to the pound when necessary.

(5) Procedure for complaints. The police department shall answer and record all complaints or reports of dogs, cats or other animals doing damage or running at large, and shall refer such complaints to the animal control officer who shall investigate such complaints or reports as soon as possible, and use all reasonable effort to impound the dogs, cats or other animals complained of. In the absence of the animal control officer, the assistant animal control officer or the police department shall investigate all complaints. Such complaints need not be formal, or in writing, nor shall any appearance in court be required. A record of the date of impounding any dog, cat or other animal shall be kept by the animal control officer, with a description of the dog, cat or other animal and the license number of such dog, cat or other animal.

(6) Notice and disposition of impounded animals. Notice and disposition of impounded animals shall be in accordance with the following:

(a) Notification. The Marshfield Police Department shall notify the owner of any licensed dog, cat or other animal impounded, either personally or by United States mail if his/her name and address is known or can be ascertained, and if such owner be unknown or cannot be ascertained, the Marshfield Police Department shall give notice to the local newspaper and to the radio, giving a description of the dog, cat or other animal, citing where it is impounded and the condition of its release. If, after seven days after such notice, the owner does not claim the dog, cat or other animal, the city shall attempt to find a suitable home for such animal or dispose of it in a humane manner. The Marshfield Police Department shall keep a record of every dog, cat or other animal given away or otherwise disposed of describing the dog, cat or other animal with reasonable certainty of identification and listing the name and address of the party to whom delivered or the manner otherwise disposing of the dog, cat or other animal.

(b) Release of animal. Release of an animal shall be in accordance with the following:

1. To owner or representative. The animal control officer or the pound to which an animal is delivered may release the animal to its owner or a representative of the owner if the owner presents a release slip from the police department containing the following information: his or her name and address; evidence that the animal is licensed; evidence that the animal is vaccinated against rabies, or evidence from a licensed veterinarian that prepayment has been made for the rabies inoculation of the animal; evidence that the owner has paid the boarding fees and any impoundment fee imposed for the animal.

2. To person other than owner. The animal control officer or the pound to which an animal is delivered may release the animal to a person other than the animal's owner if the person presents a release slip from the police department containing the following information: his or her name and address; evidence in the form of a written statement agreeing to license the animal and to have the animal vaccinated against rabies unless evidence is presented that the animal is already licensed and vaccinated; evidence that a fee of $5.00 for the animal has been paid. No animal shall be delivered to any person other than the owner unless the owner is unknown or does not claim the animal within seven days after the animal is delivered to the animal control officer or the pound.

(7) Fees and costs of city. In the event the owner is located and notified personally or by mail, he shall pay to the city the sum of $20.00 plus the costs for boarding such dog, cat or other animal, such sum to be paid to the finance director or police department within ten days of such notification.

(8) Bitten persons. In case any person shall be bitten or lacerated by any dog, cat or other animal running at large, it shall be immediately reported to the police department, and such dog, cat or other animal shall be seized and confined as promptly as possible and observed by a licensed veterinarian or at the animal pound, to be held awaiting the orders of the physician treating the person bitten or lacerated. The care of any licensed dog, cat or other animal so held shall be paid by the owner thereof, and the care of an unlicensed dog, cat or other animal by the owner or custodian thereof, if found, and if not, by the city. The recommendations of the physician shall determine whether such dog, cat or other animal shall be released or destroyed.

(9) Animal control officer. The council shall have the authority to employ an animal control officer who shall be responsible for enforcing all state statutes and city ordinances pertaining to animal control. This position shall have the powers and duties of a police officer, while so employed and defined in this section, and shall be paid adequate and reasonable compensation as may be determined by the council. Insurance and equipment deemed appropriate shall be determined and provided by the council. This position shall be under the supervision of the mayor and the chief of police, subject to penalties.

(10) Penalty. Any person convicted of a violation of this section, except for subsection (3)(a) of this section, shall be punished as follows:

(a) For a first offense, by a forfeiture of not less than $25.00 nor more than $100.00, plus the costs of prosecution, or in default of the payment of such forfeiture and costs, by imprisonment in the county jail for not less than five nor more than ten days.

(b) For a second or subsequent offense, by a forfeiture of not less than $50.00 nor more than $200.00, plus the costs of prosecution, or, in the default of the payment of such forfeiture and costs, by imprisonment in the county jail for not less than ten days nor more than 15 days for each such offense.

(Code 1982, § 12.04; Ord. No. 1090, § 1, 10-28-2006; Ord. No. 1211, § 1, 9-27-2011)

Sec. 9-52. Animals and fowl.

(1) *Permit required.* No person shall keep any horse, mule, donkey, pony, cow, pig, goat, sheep, swine, fowl or animal raised for fur-bearing purposes within the city, except in an outlying district where there are no residences other than that occupied by the owner or occupant of the premises upon which such animals are kept and within a distance of 200 feet of the structure or fence housing or enclosing such animal, without a special written permit therefor issued by the city clerk, upon recommendation of the building services supervisor and committee on health after an inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby. Such special permit shall be issued for the keeping of such animals on any lot only in the following cases:

(a) Where such animals were being lawfully kept on such lot prior to the enactment of the ordinance from which this section derives.

(b) Where such animals were being lawfully kept on such lot after the enactment of the ordinance from which this section derives in an area in which there were no residences within a distance of 200 feet of the structure or fence enclosing such animals, and subsequently one or more residences were built, bringing the structure or fence housing the animals within the restricted distance.

(2) *Term of permit.* Permits to keep animals under this section shall be renewed annually, and only after a reinspection by the building services supervisor. No fee shall be charged for such permits.

(3) *Stables and enclosures.* Standards for stables and enclosures shall be as follows:

(a) *Construction.* Every stable or other building wherein any animal or fowl covered under this section is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

(b) *Disposal of wastes.* Every such stable or other building occupied by authority of special permit shall, if located within 200 feet of any tenement or apartment house; hotel; restaurant; boardinghouse; retail foodstore; building used for school, religious, or hospital purposes; or residence other than that occupied by the owner or occupant of the premises upon which such creatures are kept shall be provided with a watertight and flytight receptacle for manure, of such dimensions as to contain all accumulation of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be kept securely covered at all times, except

when opened during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle.

(c) *Other improvements which may be required.* The building services supervisor shall, if he deems such measures necessary in order to avoid a nuisance, require that any such building be screened tightly against flies, and that it be provided with running water, drain sewer connection, flooring impervious to water, and that such other measures be taken as may be necessary to ensure proper protection to public health and safety, as conditions precedent to the issuance of any special permit.

(d) *Small animals and fowl.* Standards for enclosures for small animals and fowl shall be as follows:

1. *Structures.* No chicken coop, dovecote, dog kennel built for or intended for the use of more than two dogs, rabbit warren built for or intended for the use of more than two rabbits, or other yard or establishment where small animals or fowl are keptshall be maintained, nor shall more than two dogs, cats, rabbits, guinea pigs, nor any ducks, geese, chickens, or other fowl be kept, on any premises within the city limits, except in outlying districts where there is no tenement or apartment house; hotel; restaurant; boardinghouse; retail foodstore; building used for school, religious or hospital purposes; or residence other than that occupied by the owner or occupant of the premises upon which such yard, establishment or creatures are maintained or kept, within a radius of 200 feet of such yard or establishment or structure or area enclosing such creatures, without a special written permit issued by the building services supervisor after an inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby. Such special permit shall be issued for the maintenance of any such yard or establishment or fowl or animals which were being lawfully maintained or kept on such lot prior to the enactment of the ordinance from which this section derives.

2. *Existing uses.* Where such yard or establishment or fowl or animals were being lawfully maintained or kept on such lot prior to the enactment of the ordinance from which this section derives in an area in which there were no such buildings or residences within a distance of 200 feet of the structure enclosing such animals, and subsequently one or more such buildings or residences were built bringing the structure or area housing the animals within the restricted distance. Such permit shall be for the term of one year and shall not be renewed without a reinspection. The provisions of this subsection shall not apply to the keeping or maintaining of guinea pigs or other small animals for bona fide medical research purposes by duly qualified persons, or to the keeping or maintaining of small animals or fowl for bona fide pet shop purposes in a B-2 or a B-4 zoning district under the zoning code of the city where such pet shop is located not closer than 50 feet from any building or place as designated in this subsection; provided that such animals are kept and maintained indoors, and provided further that the keeping or maintaining of such small animals does not create a nuisance.

(e) *Sanitation.* All structures, fences, coops or yards where animals or fowl are kept or permitted to be kept shall be maintained in a clean and sanitary condition, devoid of rodents and vermin, and free from objectionable odors. The entire walls, ceilings, floors, parts and appurtenances of all such structures shall be whitewashed or painted annually as the health officer shall direct. The building services supervisor, upon the complaint of any individual, shall inspect any such structure or premises and issue any order necessary to carry out the provisions of this section.

(4) *Wild animals.* No person shall keep any wild animal within the city, except in the zoo facility or as otherwise permitted. For purposes of this section, "wild animal" means any live monkey or other nonhuman primate, raccoon, skunk, fox, wolf, poisonous snake, leopard, panther, tiger, lynx, any warm-blooded animal normally found in the wild state, or any hybrid mix between a normally domestic animal species and such animals normally found in the wild state.

(Code 1982, § 12.08)

Sec. 9-53. Transient merchants.

(1) *Registration required.* It shall be unlawful for any transient merchant to engage in sales within the City of Marshfield without being registered for that purpose as provided in this section.

(2) *Definitions.* For purposes of this section, the following definitions shall apply: *Charitable organization* shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such. Clerk means the city clerk.

Merchandise shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

Permanent merchant means any person who, for at least six months prior to the consideration of the application of this section to such merchant, (i) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale, or (ii) has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.

Transient merchant means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greater part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

(3) *Exemptions.* The following shall be exempt from all provisions of this section:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;

(b) Any person selling merchandise at wholesale to dealers in such merchandise;

(c) Any person selling agricultural products which the person has grown;

(d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant in this city and who delivers such merchandise in their regular course of business;

(e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit;

(f) Any person who has had, or one who represents a company which has a current open account with a city customer;

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;

(h) Any person selling creations of art or craft, whether paintings, drawings, photographs, pottery, other goods or similar works of art, provided that such creations may be sold only by the creating artist and only in locations not otherwise prohibited under this Code;

(i) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;

(j) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the clerk proof that such charitable organization is registered under § 440.42 Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under § 440.42 Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this section. This exemption shall also extend to an individual defined in the term "transient merchant" in subsection (2) of this section who is under the direct sponsorship and supervision of a charitable organization, but such organization shall be entitled to an exemption of this kind for not more than four events per year and shall pay a fee for such privilege of $25.00 per year;

(k) Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is a transient merchant; provided that there is submitted to the clerk proof that such person has leased for at least one year, or purchased, the premises from which he/she has conducted business in the market area for at least six months prior to the date the complaint was made;

(l) Any individual licensed by an examining board as defined in § 15.01(7) Wis. Stats.;

(m) This section does not apply to transient merchants while doing business at special events which are under the supervision and control of a local organization or business, or during special events specifically authorized by the council, provided that:

1. Transient merchants exempt under this section must be sponsored by a stated local organization or business.

2. The sponsoring organization or business shall be responsible for all activities of the transient merchant.

(4) *Registration.* Procedures for registration shall be as follows:

(a) Applicants for registration must complete and return to the clerk, at least 15 days prior to issuance of the registration, a form furnished by the clerk which shall require the following information:

1. The complete name, permanent address, telephone number and temporary address of each person or employee to be engaged in sales activities.

2. A physical description of each person or employee to be engaged in sale activities, including age, height, weight and color of hair and eyes.

3. Name, address and telephone number of the person that the transient merchant represents or is employed by, or whose merchandise is being sold.

4. Temporary address and telephone number from which business will be conducted, if any.

5. Nature of business to be conducted and a brief description of the merchandise, and any services offered.

6. Proposed methods of delivery of merchandise, if applicable.

7. Make, model and license number of any vehicle to be used by the applicant in the conduct of his/her business.

8. Most recent cities, villages or towns, not to exceed three, where the applicant conducted his/her business.

9. Place where the applicant can be contacted for at least seven days after leaving this City.

10. Statement as to whether the applicant or any employee to be engaged in sales has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.

(b) Applicants shall present to the clerk for examination:

1. A driver's license, or other proof of identity as may be reasonably required, for each employee to be engaged in sales activities.

2. A state certificate of examination and approval from the sealer of weights and measures where the applicant's business requires use of weighing and measuring devices approved by state authorities.

3. A Wood County permit or license where the applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(5) *License fees.* License fees shall be as follows:

(a) Application for a temporary transient merchant license may be made for a period of two days, four days, or six months, or for an annual license. Time limits for temporary licenses are for consecutive days.

(b) The fee for issue of a transient merchant license shall be as follows:

1. Two-day temporary license . . . . . $ 50.00

2. Four-day temporary license. 100.00

3. Six-month temporary license 250.00

4. Annual license. 500.00

(c) In addition to license fees, the applicant shall pay an investigation fee of $10.00 per each employee to be engaged in sale activities, which fee shall be nonrefundable if the application is denied.

(6) *Bond.* A bond shall be required as follows:

(a) A transient merchant shall post a cash bond in lawful money of the United States in the amount of $500.00 with the clerk at the same time the registration form is filed with the clerk. A transient merchant shall name all persons upon whose behalf the bond shall be posted. Buyers or donors who wish to cancel their transaction or claim a refund as permitted in § 423.202 Wis. Stats. may do so by presenting within the time limits to the clerk the goods purchased or the credit papers, and the clerk shall refund to the donor/ buyer the amount paid to the seller. The clerk shall deduct from the bond any amount so refunded plus $5.00 for each refund made as a handling charge. The clerk shall store the goods and papers upon which the refund was grounded, and notify the seller, by first class mail, at the address provided in the registration form. Twenty days after such notice is mailed the clerk may sell or destroy such goods and papers, crediting any money received therefor to the seller's bond account. Once the bond has been depleted below $400.00 the direct seller shall, upon written notice thereof by first class mail, within ten days after mailing of such notice, replenish the bond or forfeit the registration. No direct seller shall conduct activities within the city once such notice has been mailed until such time as the fund is replenished unless the registration is revoked, in which case no further sales shall take place.

(b) As an alternative to the cash bond required in subsection (6)(a) of this section, the transient merchant may present a surety bond in the amount of $2,000.00 from a reputable bonding firm. The bond shall

name all persons for whom the bond is posted. Refunds to customers for any returns of merchandise to the city clerk shall be paid by the bonding firm or transient merchant to such customers. Claims for refunds shall be within the time limits of § 423.203 Wis. Stats. The clerk shall store the goods and papers upon which the refund was grounded and notify, by first class mail, the seller and bonding firm at the address provided in the registration form and on the bond. No transient merchant shall conduct activities in the city if evidence of a refund is not received by the clerk within 20 days of the mailing of such notice of returned merchandise. The clerk shall retain such returned goods until sufficient evidence is received that money has been refunded to those buyers who returned merchandise. Upon receipt of sufficient evidence, the clerk shall advise the transient merchant by first class mail to obtain the stored merchandise. Twenty days after such notice is mailed the clerk may sell or destroy such goods and papers, with any money received from the sale to be paid to the transient merchant or the bonding company based on payment of the refund to the customer.

(c) The applicant shall sign a statement appointing the clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

(d) The cash bond may be refunded to a transient merchant, together with accrued interest, upon written request, provided such refund will not be made earlier than 90 days after such merchant has ceased doing business in the city.

(7) *Record check.* A record check shall be made in accordance with the following:

(a) Upon payment of the fee and the signing of the statement, the clerk shall refer it immediately to the chief of police who may make a complete records check of the statements made in such registration. The registration shall be valid for the licensing dates applied for, not to exceed one year from date of issue subject to subsequent refusal as provided in subsection (7)(b) of this section. If the merchant shall apply for a second temporary license in the same calendar year, and the persons who shall be engaged in sales under such license are identical to those persons identified on the prior application for a temporary license, the city may, at the city clerk's discretion, waive the investigation fee required under subsection (5)(c) of this section.

(b) The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statements; complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages or towns, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of subsection (4)(b) of this section.

(c) If the chief of police determines from the investigation of the application that the interest of the city or of the inhabitants of the city require protection against possible misconduct of the licensee, the chief of police may recommend to the license committee that a cash bond of $500.00 be required running to the city conditioned upon the licensee's full compliance with the ordinances of the city and guaranteeing to any citizen of the city doing business with him that the property purchased will be delivered according to the representation of the applicant provided that such action to recover on any such bond shall be commenced within one year after the expiration of the license of the principal.

(8) *Appeal.* Any person refused or denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the council, or if none has been adopted, under the provisions of §§ 68.07—68.16 Wis. Stats.

(9) *Regulation of transient merchants.* Transient merchants shall comply with the following:

(a) Prohibited practices. Prohibited practices are the following:

1. A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "no peddlers," "no solicitors," or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale; the purpose of his/her visit; his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the merchandise.

3. No transient merchant shall conduct sales on any sidewalks or streets within the city. Where sales are made from vehicles all traffic and parking regulations shall be observed.

4. No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.

5. No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(b) *Disclosure requirements.* Disclosure requirements are as follows:

1. After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell and present the permit issued by the city clerk's office.

2. If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than $25.00, in accordance with the procedures set forth in § 423.203 Wis. Stats.; and the seller shall give the buyer two copies of a typed or printed notice of that right. Such notice shall conform to the requirements of § 423.203(1)(a), (b) and (c), and (2) and (3) Wis. Stats.

3. If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance whether full, partial, or no advance payment is made; the name, address and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

4. If the business is being conducted from a vehicle or stationary structure, the certificate of registration or facsimile thereof shall be displayed prominently thereon. The permit issued by the clerk's office shall be displayed also.

(10) *Records.* The chief of police shall report to the clerk all convictions for violation of this section, and the clerk shall note any such violation on the record of the registrant convicted.

(11) *Revocation of registration.* Procedures for the revocation of the registration shall be as follows:

(a) Registration may be revoked by the council after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration; made any

fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales; violated any provision of this section; or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

(b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of the hearing and a statement of the acts upon which the hearing will be based.

(Code 1982, § 12.05; Ord. No. 959, § 4—6, 4-9-2002; Ord. No. 974, § 1, 2, 4-8-2003)

Sec. 9-54. Circuses and amusement.

(1) *License required.* No person shall exhibit to public view or use, for gain within the city, any circus, pony ring, shooting gallery, carousel, cane rack, doll rack or other similar device for amusement, without first having obtained a license therefor as provided in this section.

(2) *Classes of licenses and fees.* There shall be the following classes and denominations of licenses which shall be granted by the city clerk with the approval of the license committee:

(a) *Carnivals, caravans and indoor circuses.* The fee for carnivals, caravans and indoor circuses shall be $2.00 per day for each riding device, show, stand or concession.

(b) *Shooting galleries, carousels, cane racks, doll racks, pony rides and similar devices.* The fee for shooting galleries, carousels, cane racks, doll racks, pony rides and similar devices shall be $2.00 per day for each device, whether connected with a carnival or not.

(c) *Lunch wagons, popcorn wagons or food stands.* The fee for lunch wagons, popcorn wagons or food stands shall be $2.00 per day for each wagon or stand, except stands located in permanent buildings which are assessed as real estate or personal property for tax purposes.

(d) *Maximum annual fee.* The maximum fee for each device or amusement licensed under this section shall be $15.00 per year.

(3) *License application and issuance.* All applications for licenses under this section shall be made to the city clerk, and the clerk shall give to the licensee a certificate, setting forth the name of the licensee, the purpose and time for which granted, and the amount to be paid for the license fee. Upon the showing of due proof that such amount has been paid the clerk shall issue the license, which shall be valid only for a period of time shown. Such licenses shall not be assignable.

(4) *Exempted nonprofit functions.* No license shall be required for activities under this section when gross revenues from such circuses and amusements are given directly to or made by a nonprofit corporation located in the city.

(5) *Penalty.* Penalty for violation of any provision of this section shall be as provided in section 1-05 of this Code. Each day on which a violation continues shall constitute a separate offense.

(Code 1982, § 12.06)

Sec. 9-55. Perishable foods license required.

(1) A license shall be required for the operation of a meat market, grocery store, restaurant, delicatessen, soda fountain or any other place of business where milk, meats or any other perishable food is sold or dispensed in the City of Marshfield.

(2) The fee shall be $25.00.

(Code 1982, § 12.07)

Sec. 9-56. Taxicabs.

(1) *License required.* No person shall operate a public vehicle, taxicab or public livery or automobile for hire upon the streets of the city without first having obtained a license therefor from the city. Such licenses shall be issued under a full year's fee for terms of one year, to expire on December 31.

(2) *Conditions for issuance of license.* Conditions for issuance of the license shall be as follows:

(a) *Generally.* Such license shall be issued and granted only upon condition that the applicant shall first obtain from a reliable insurance company, licensed to do business in the state, and kept in force during the continuance of such license, a policy of liability insurance. The liability limits shall be $100,000.00 for injury to any one person and $300,000.00 for damages arising out of any single accident and $100,000.00 to insure the payment of damages to property resulting from negligence of the operator of a vehicle, taxicab or automobile. All applications for licenses for the operation of taxicabs or other public vehicles under this section shall be approved by the license committee before a license is issued. The committee shall require the applicant to furnish proof that public convenience and necessity require the licensing of the applicant. The license committee may require proof of financial responsibility of the applicant in addition to the insurance required by this subsection. The applicant shall also file with this application a statement of the number of vehicles to be operated under such license together with a complete description of each vehicle, and such data shall be filed with the city clerk. Should an applicant desire to add to such license, he shall make and file any additions or substitutions with the city clerk.

(b) *Suspension.* The chief of police shall have authority to suspend any license granted under this section if, upon inspection of equipment as provided in this section, he shall determine that such equipment is unsafe or dangerous for the purpose of transporting people or a menace to traffic safety. Such suspension shall be effective for periods up to 48 hours, within the discretion of the chief of police, or until action may be taken by a special meeting of the license committee, which shall have authority to revoke or suspend indefinitely any license granted under this section after due hearing upon notice of 24 hours to the licensee.

(3) *License term; renewals.* All licenses shall be granted for periods not exceeding one year. Applications for renewals of licenses will be heard by the license committee during the period commencing November 15 and concluding November 30. The time and place of such hearing shall be posted for a period of at least one week prior to the hearing in the city hall, and notice shall be given by publication at least three times in the official city paper. The license committee shall report its findings based on such hearing to the council at its regular December meeting and recommend the renewal or discontinuance of all licenses which shall be effective at the time of the December meeting and for renewal of which application has been made. Application for renewals of all licenses must be made prior to November 15. The license committee, on receipt of the application, shall fix a date for the hearing thereof and shall notify the applicant of such date.

(4) *License application procedure.* Application for a license to operate public vehicles, taxicabs or automobiles for hire upon the streets of the city shall be made by the owner of the public vehicle, taxicab or automobile upon forms to be furnished by the city clerk. Such application shall contain the full name and address of the owner of the public vehicle, taxicab or automobile and the name of the insurance company carrying the insurance, the policy number, the amount of the insurance carried, and date of expiration of policy, and such application shall be subscribed and sworn to by the applicant before the city clerk.

(5) *License fee.* After the license committee has held a hearing on the application and has recommended that the license be granted, then upon the payment of the license fee of $25.00, regardless of the number of

taxicabs being operated by any one licensee, the license shall be issued by the city clerk. When so licensed, there shall be delivered to the licensee a license card containing the official license number of the license. Should the license committee determine that the public convenience and necessity does not require an additional taxi service within the city, the committee may refuse to issue a license to any applicant, even though the applicant is otherwise qualified to receive a license.

(6) *Vehicle identification.* All vehicles used for the carrying of passengers for hire shall be conspicuously marked on the right and left side with the name of the owner of the vehicle. Such letters and numbers shall be not less than three inches in length, and such letters and numbers shall be of a light color on a dark background, or dark color on a light background. A card containing the name of the owner, license number, and the number of the vehicle shall be placed and at all times kept in a conspicuous place inside of such vehicle. No vehicle shall be used for carrying passengers until the foregoing provisions have been complied with.

(7) *Rates.* Rates to be charged, or changes therein, as made from time to time by the operator, shall be filed with the city clerk and shall be open for public inspection. The operator shall display a list of rates to be charged for carrying passengers in a prominent place within the vehicle so licensed, where it may be plainly seen by all passengers. (8) *Register.* The city clerk shall keep a register of the name of each person owning a taxicab license under this section together with the license number.

(8) *Definitions.* The term "taxicab," "automobile" or "public vehicle" as used in this section shall be construed to include and mean all vehicles propelled by motive power engaged for the purpose of carrying persons for hire upon the streets of the city, and which is operated by the owner, his agent or employee. Nothing in this section shall be deemed or construed as being applicable to any intercity bus line, hotel bus line, street railway or bus line, hospital ambulance, hearse or motor vehicle operated by the undertakers of this city in their usual business.

(9) *Additional regulations.* Additional regulations shall be as follows:

(a) All licensees under this section shall keep all vehicles used in the taxi service or for the conveyance of passengers in a clean and sanitary condition at all times and shall keep such vehicles in proper repair and maintenance and operate such vehicles upon the streets of the city in a safe and careful manner.

(b) No driver shall unreasonably refuse to convey a passenger to any destination requested by such passenger within the city limits.

(c) All persons holding a taxicab license shall offer continuous telephone service and taxicab service between the hours of 6:00 a.m. and 12:00 midnight each day.

(10) *Revocation of license.* Any person found guilty of a violation of this section may have his license revoked, and when so revoked, such person shall not be entitled to another license for one year from the date of such revocation.

(11) *Prior rights saved.* Any person now having a license to operate a taxicab service or other service under the terms of previously published ordinances of the city shall, if otherwise qualified under the terms of this section, be entitled to obtain a license under these provisions. Any new applicant for a license thereafter shall be required to prove that the public necessity and convenience requires the licensing of a new taxicab service in the city before such applicant shall be entitled to a license.

(12) *Operator's permit required.* No person shall operate any vehicle for the transportation of passengers for hire within the limits of the city until he shall have obtained a taxicab driver's permit from the chief of police.

(a) *Qualifications.* No taxicab driver's permit shall be granted to any person under 18 nor, subject to the provisions of § 111.335 Wis. Stats., to any persons who have been convicted by a court of competent jurisdiction for any offense involving moral turpitude or for driving a motor vehicle as a conveyance of

persons for hire while under the influence of intoxicating liquor, while such conviction remains of record and is not reversed; provided, however, that a permit to a person within such prohibited class may be granted under such circumstances within the discretion of the chief of police for good cause shown where more than five years have elapsed from the date of the expiration of sentence, except as to persons convicted of rape, murder, manslaughter or sex offenses. In all cases, consideration shall be upon an individual basis.

(b) *Fee.* Each application for a taxicab driver's permit shall be accompanied by a fee of $15.00. The applicant shall also pay such fee as the city is charged for a state criminal history check on the applicant.

(c) *Issuance.* Upon granting of such permit pursuant to this subsection, the applicant shall receive from the chief of police a written permit to which shall be attached a photograph of the applicant.

(d) *Posting of permit.* The permit shall be placed in a conspicuous place in the vehicle operated by such driver, and in addition thereto, a metal badge shall be worn openly upon the person of such applicant while operating any motor vehicle of passengers for hire.

(e) *Fingerprinting required.* The chief of police shall cause the fingerprints of the permittee to be taken and filed.

(f) *Expiration of permit.* Such permit shall expire December 31 each year.

(13) *Penalty.* Any person found in violation of provisions of this section shall be subject to a penalty as set forth in section 1-05 of this Code, in addition to license revocation.

(Code 1982, § 12.13)

Sec. 9-57. Commercial haulers.

(1) *License required.* No person shall engage in, exercise or carry on a trade or business of picking up and hauling garbage and recyclable materials in the city without first obtaining a license therefor as provided in this section.

(2) *Vehicle regulations.* Regulations for vehicles shall be as follows:

(a) *Construction.* All trucks or other vehicles, whether used by garbage collectors or by persons hauling their own garbage, shall be of substantial construction, and the body shall be watertight or shall be of a type commonly known as packers. No vehicle shall be loaded so that the contents shall fall or blow from the vehicle. In the case of combustible refuse, the vehicles shall be equipped with a covering or the combustible refuse covered with a tarpaulin or a similar covering in such a manner as to prevent the combustible refuse from falling or blowing from the vehicle.

(b) *Parking restrictions.* No person shall park or cause to be parked any such vehicle as described in subsection (2)(a) of this section and used by such garbage collectors in any single-family residential district, two-family residential district, multiple-family residential district or mobile home residential district of the City of Marshfield for more than one hour.

(3) *License fee.* The fee for the license required by this section shall be $50.00 per vehicle each year. Such license shall expire on January 1 after its issuance, and no reduction shall be made in such fee for a period of less than one year. The fee shall be paid to the finance director prior to the issuance or renewal of such license. In the event a license is being transferred from a licensee to a third party, such transfer, if approved, shall be made without an additional fee except that $10.00 shall be paid to cover the cost of the transfer.

(4) *License application.* Application for such license shall be made in writing to the city clerk on forms to be furnished by the clerk and approved by the license committee and the chief of police. The applicant shall furnish such information as may be required to prove the applicant to be of good character, in addition to any other information deemed necessary by the license committee and the chief of police. Upon approval of the application by the license committee and the chief of police and upon the filing of the bond required in subsection (5) of this section, the license may be issued by the city clerk.

(5) *Bond.* Persons desiring a license required by this section shall, prior to the issuance thereof, enter into a bond to the city with such sureties as may be approved by the license committee in the penal sum of $200.00, conditioned for the observation of all codes of the city now in force or hereafter passed regulating or pertaining to such business.

(6) *Recycling education of customers.* All persons engaged in the hauling of garbage or recyclable materials within the city shall be responsible for providing education and information to owners or agents of multifamily dwellings, and nonresidential facilities and properties, regarding the proper recycling techniques and practices.

(7) *Information on license.* The license shall state the name of the licensee, the fee, the address of the place of business, type of business to be carried on and the names of the bondsmen.

(8) *Transfer of license.* No license shall be transferred from the licensee to any other person without the approval of the license committee or the chief of police.

(9) *Hauler restrictions.* All haulers or contractors engaged in the hauling of garbage or recyclable materials within the City of Marshfield may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the City of Marshfield. This includes any recyclable materials separated from solid waste and/or solid waste that contains recyclable material. Haulers shall not compact glass with paper during collection and transport of recyclable materials to a processing facility or market and shall maintain recyclable materials in a marketable condition.

(10) *Monthly reporting.* All haulers or contractors engaged in the hauling of garbage or recyclable material within the City of Marshfield shall provide to the street superintendent a monthly report for solid waste tonnage and recyclable tonnage collected in the City of Marshfield from all sources.

(Code 1982, § 11.17)

Sec. 9-58. Pawnbrokers, secondhand article and jewelry dealers.

(1) *Definitions.* The following definitions shall apply in the application of this section:

a. "Bulk purchase items" means items of a large quantity of inventory which are purchased for a single sum even though they may be marketed or sold individually. Examples may be CDs, DVDs, clothing, tools or like items that are purchased from an individual for a single price.

b. "Occasional" means infrequent or intermittent and not to exceed four events in any twelve month period.

c. "Personal property" means any tangible property owned by a person, which may be sold, pawned, gifted or transferred.

d. "Primarily" means principally, chiefly, or mainly; requiring that the principle purpose of the business is in the exchange of secondhand goods.

(2) *License required.* No person shall engage in business for the purchase and resale of used personal property to include lending on such personal property (pawnbrokering) without first obtaining a license to engage in such sales and/or lending.

(3) *Statutes adopted.* The provisions of § 134.71 Wis. Stats., as such section now exists and as hereafter amended, are hereby adopted in full as provided at § 134.71(14) Wis. Stats., and violation of such statute may be enforced as a violation of this section of the Municipal Code.

a. Upon receipt of second hand articles, second hand jewelry, scrap precious metals, and pawn items, the licensee shall photograph all such item(s) received and maintain such photographs for a period of one year, or import a digital copy of such photographs into an off-site database maintained by the Marshfield Police Department.

b. The licensee shall enter a digital record of second hand articles, second hand jewelry, scrap previous metals, and pawn items into a database maintained by the Marshfield Police Department for purposes of tracking such records. Entry must be made within 72 hours of receipt.

i. Books and used clothing need only be entered into the database if the retail value of the item is $25 or more.

c. The business shall photograph and upload "bulk purchase items" in a manner that will allow any observer to ascertain the nature, size and quantity of the purchase. The marrative description shall contain remarks of any unusual or distinguishing characteristics of the purchase or any individual item that is placed for sale or has a value of $25 or more.

(2) *Exemptions*. This ordinance does not pertain to businesses solely offering in-store credit or consignment.

(3) *Bond required.* With respect to the application for a secondhand article dealer's and/or secondhand jewelry dealer's license, pursuant to § 134.71(7)Wis. Stats., the applicant provides to the municipality a surety bond of $200.00 for the observation of all municipal ordinances relating to secondhand article dealers and secondhand jewelry dealers. Provided, however, that upon application by the licensee after a period of one year, a personal bond may be accepted in lieu of the foregoing surety bond, if the license committee finds that the licensee has not violated any such ordinances during the previous year.

(Code 1982, § 12.14; ORD 1291 12/9/14; ORD 1299, 6/23/15)

Sec. 9-59. Tobacco license.

(1) *License required.* Pursuant to § 134.65 Wis. Stats., no person shall engage in the retail sale of cigarettes, cigars or any other tobacco product, without first obtaining a license to engage in such sales.

(2) *Fees.* The fee for a license to engage in tobacco products sales shall be $100.00 for each sales location.

(3) *Additional location.* Each separate vending machine for sale of tobacco products shall require a separate license, unless collocated with another machine or in a licensed premises where such products are sold over the counter.

(4) *Supervision.* All vending machines for sale of tobacco products shall be located in clear view of a person in charge of such premises, who shall be responsible for controlling sales of such products, and specifically to ensure compliance with § 134.66 Wis. Stats., restricting sale of tobacco products to any person under the age of 18 years.

(Ord. No. 953, § 2(12.09), 1-22-2002)

Sec. 9-60. Payday Lenders

(1) Definitions

Payday Lender means a person or business that makes payday loans.

Payday Loan shall have the meaning given in section 138.14 (1) (k), Wis. Stats.

(2) *Permit Required.* No payday lender that was not conducting business from its current location on January 1, 2011 may conduct business within the City of Marshfield without a permit, approved by the Marshfield Common Council.

(a) All payday lenders including existing businesses, new businesses, and businesses that change addresses shall pay a one-time nonrefundable fee of $50 and apply for a permit through the Zoning Administrator.

(b) The application shall be reviewed by the Judiciary, License, and Cemetery Committee with a recommendation by the Zoning Administrator.

(c) In order to qualify for a permit the payday lender business location must meet the requirements of §18-91 of the Municipal Code.

(Ord. No. 1221, § 1, 2, 2-28-2012)

Secs. 9-61—9-70. Reserved.

Article IV. Junkyards

Sec. 9-71. License required.

No person shall operate within the city any scrap metal business or motor vehicle salvage business without first having obtained a license therefor, with approval of the council, upon review and recommendation of the Judiciary, License and Cemetery Committee. Operators of any scrap metal business must be in full compliance of this article and Sec. 134.405 Wis. Stats. Operators of any motor vehicle salvage business must be in full compliance with this article and Subchapter VII of Chapter 218 Wis. Stats. The licensing requirement shall not apply to:

(1) Motor vehicle dealers licensed under State Stat. 218.0114 who remove, but do not sell, as such, parts of motor vehicles prior to sale of such vehicles to motor vehicle salvage dealers or scrap metal processors.

(2) Scrap metal processors and portable scrap metal crushers who accept motor vehicles from only:

(a) Licensed motor vehicle dealers;

(b) Licensed motor vehicle salvage dealers; or

(c) Municipalities, all of whom shall submit titles and reports to the department and retain records.

(3) Any person who acquires a motor vehicle for salvage purposes for his or her own use and then sells the remainder to a motor vehicle salvage dealer or to another person who will further use that motor vehicle for salvage purposes for his or her own use before selling it to a motor vehicle salvage dealer.

(4) Collectors of special interest vehicles who purchase or sell parts cars in compliance with State Stats. 341.266.

(5) Businesses meeting the definition of Metal Recycling Collector or Metal Materials Dealer.

(Code 1982, § 12.10(1))

Sec. 9-72. Definitions.

For purposes of this article, the following definitions shall apply:

(1) *Commercial account* means a commercial enterprise with which a scrap metal dealer maintains an ongoing and documented business relationship.

(2) *Commercial enterprise* means a corporation, partnership, limited liability company, business operated by an individual, association, state agency, political subdivision, or other government or business entity, including a scrap metal dealer.

(3) *Ferrous scrap* means scrap metal, other than scrap metal described in pars. (4) (7) and (8), consisting primarily of iron or steel, including large manufactured articles that may contain other substances to be removed and sorted during normal operations of scrap metal dealers.

(4) *Metal article* means a manufactured item that consists of metal, is usable for its original intended purpose without processing, repair, or alteration, and is offered for sale for the value of the metal it contains, except that *metal article* does not include antique or collectible articles, including jewelry, coins, silverware, and watches.

(5) *Metal recycling collector* means any fixed collection site for aluminum beverage cans or any temporary collection site that purchases nonferrous scrap, aluminum beverage cans, household items, brass, copper, aluminum, and proprietary articles. All temporary collection sites shall operate no more than 6 hours at one site in a 24-hour period.

(6) *Metal materials dealer* means any business at a fixed location that purchases nonferrous scrap, aluminum beverage cans, household items, brass, copper, aluminum, and proprietary articles. Storage of all materials on site must be in an enclosed structure.

(7) *Nonferrous scrap* means scrap metal consisting primarily of metal other than iron or steel, but does not include any of the following:

(a) Aluminum beverage cans.

(b) Used household items.

(c) Items removed from a structure during renovation or demolition.

(d) Small quantities of nonferrous metals contained in large manufactured items.

(8) *Proprietary article* means any of the following:

(a) A metal article stamped, engraved, stenciled, or otherwise marked to identify the article as the property of a governmental entity, telecommunications provider, public utility, cable operator, as defined in Sec. 66.0420 (2) (d) Wis. Stats., or an entity that produces, transmits, delivers, or furnishes electricity, or transportation, shipbuilding, ship repair, mining, or manufacturing company.

(b) A copper conductor, bus bar, cable, or wire, whether stranded or solid.

(c) An aluminum conductor, cable, or wire, whether stranded or solid.

(d) A metal beer keg.

(e) A manhole cover.

(f) A metal grave marker, sculpture, plaque, or vase, if the item's appearance suggests the item has been obtained from a cemetery.

(g) A rail, switch component, spike, angle bar, tie plate, or bolt used to construct railroad track.

(9) *Scrap metal* means a metal article; metal removed from or obtained by cutting, demolishing, or disassembling a building, structure, vehicle, or manufactured item; or other metal that is no longer used for its original intended purpose and that can be processed for reuse in a mill, foundry, or other manufacturing facility.

(10) *Motor vehicle salvage dealer* means a person who purchases and resells motor vehicles for wrecking, processing, scrapping, recycling or dismantling purposes or who carries on or conducts the business of wrecking, processing, scrapping or dismantling motor vehicles or selling parts of motor vehicles so processed. This term shall not include the storage of an inoperable or nonregistered automobile upon any open space on any automotive service station site, provided that no more than three inoperable or nonregistered vehicles may be stored on such premises at any one time, whereas, no wrecked vehicle(s) may be stored on such premises for a period in excess 30 calendar days.

(11) *Scrap metal dealer* means a person engaged in the business of buying or selling metal articles, ferrous and nonferrous scrap metal, and proprietary articles.

(Code 1982, § 12.10(2))

Sec. 9-73. License application and fee.

(1) Application for any scrap metal dealer license or motor vehicle salvage dealer license shall be made to the City Clerk on a form to be furnished by the City Clerk, and shall contain the information prescribed by subsection (2) below. In addition, not withstanding Sec. 9-02 (1) (b), a nonrefundable annual license fee of $50.00 plus a nonrefundable investigation fee shall accompany such application. Licenses, when issued, shall be posted in a conspicuous place on the premises so licensed at all times. The license shall expire as of midnight, December 31 of each calendar year.

(2) Application; investigation; inspection. Every applicant for a license to engage in the scrap metal business or motor vehicle salvage business shall file with the City Clerk a written application, signed by the applicant, which shall state the name and residence of the applicant or officers of the applicant, length of residency, place of previous employment, cities of residence for the past 5 years, whether applicant has or officers of applicant have been convicted of a felony or misdemeanor, and if so, what offense, whether applicant has or officers of applicant have previously been engaged in the business for which the license is sought, the nature of the business to be conducted and the kind of materials to be accumulated, collected, traded, bought, sold, stored, or otherwise handled and a complete legal description where such business is to be located or carried on or where the collected articles are to be stored. The chief of police, or his designee, shall investigate the record of each applicant, and the building inspector or his designee shall inspect and search the premises described in such application, and each shall report his findings and submit his

(3) Granting; issuance. Once a complete application along with the required fees have been submitted to the City Clerk, a scrap metal dealer's license or motor vehicle salvage dealer's license shall be granted only after the Judiciary, License and Cemetery committee has recommended and the Common Council has approved such license. No applicant to whom a license has been refused shall directly or indirectly reapply until one year shall have elapsed since the last previous rejection. All licenses shall be numbered, and shall set forth the licensee's name and address, type of business, and legal description of premises for which it was issued.

(4) License renewal. A renewal application for any scrap metal dealer license or motor vehicle salvage dealer license shall be made to the City Clerk on a form to be furnished by the City Clerk, and shall contain the information prescribed by subsection (2) above. All renewal applications for a scrap metal or motor vehicle salvage license shall be filed on or before November 1 of each year prior to the license year. In addition, a non refundable annual license fee of $50.00, plus a nonrefundable investigation fee for a background investigation shall accompany such application. License renewals shall be granted only after the Judiciary, License and Cemetery committee has recommended and the Common Council has approved such license. Renewed licenses, when issued, shall be posted in a conspicuous place on the premises so licensed at all times. The license shall expire as of midnight, December 31 of each calendar year.

(5) License denial, revocation, or suspension. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses. Because a license is a privilege, the issuance of which is a right granted solely by the council, the council reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, suspend, deny, or renew a license. License denial, revocation, or suspension shall be governed by Sec. 9-02 (15).

(6) Consideration for the granting, suspension, or denial of a license will be based on:

(a) Arrest and conviction record of the applicant, subject to the limitation imposed by Secs. 111.321, 111.322, 111.335 Wis. Stats.;

(b) Whether the licensee has been convicted of or committed offenses substantially related to the licensed activity, pursuant to section 9-71.

(c) Compliance with Chapter 18 of the Municipal Code.

(d) Compliance with the Conditional Use Permit issued for the purpose of allowing operations identified in Sec. 9-71.

(e) Failure to obtain a state license prior to operation.

(Code 1982, § 12.10(3))

Sec. 9-74. Records; certain sales restricted.

The licensee shall keep records and certain sales are restricted in accordance with the following:

(1) *Records.* The licensee shall keep records of purchases, dates and times thereof, and the names and addresses of the persons from whom purchased. Such records shall be open to inspection by the chief of police or any city police officer.

(2) *Purchase from minors.* No licensee shall purchase any merchandise of any kind from a person under 18 years of age.

(3) *Reports.* Licensee reporting requirements are as follows:

(a) Every such licensee shall report all Vehicle Identification Numbers (VIN) listed on any article purchased, to the City of Marshfield police department by phone or by email within 24 hours of the business day of which the article was originally purchased.

(b) Every such licensee who comes into possession of stolen merchandise, or merchandise which is advertised or alleged or supposed, by law enforcement, to have been stolen, or merchandise which answers the description of such merchandise, shall immediately report such information to the police department, together with the name of the person from whom purchased or obtained, and shall, on demand by any officer, exhibit such merchandise to him or them. Said merchandise shall not be sold, scrapped, transferred, or disposed of in any way without the authorization of the Chief of Police or his designee.

(4) *Waiting period*. No such licensee shall expose for sale, sell or dispose of any articles with a Vehicle Identification Number (VIN) until one full business day has passed from the time of reporting the VIN of the article(s) to the police department, unless otherwise given approval by the Chief of Police or his designee.

(5) *Hours limited.* Scrap metal and motor vehicle salvage dealer businesses may only be open to the public from 7:00 a.m. to 7:00 p.m. Monday through Saturday.

(Code 1982, § 12.10(4))

Sec. 9-75. Penalties

Penalties for violations of this article shall be as follows:

(1) Any person who shall violate any provision of this article, or who shall conduct any activity for which a license is required without holding such a license, shall be subject to a forfeiture as provided in section 1-05 of this Code of the City of Marshfield.

(2) Nothing in this section shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

Secs. 9-76—9-90. Reserved.

Article V. Mobile Homes and Mobile Home Parks

Sec. 9-91. State statutes adopted.

The provisions of § 66.0435 Wis. Stats. and the definitions therein are hereby adopted by reference and made a part of this chapter as if fully set forth in this article.

(Code 1982, § 12.11(1))

Sec. 9-92. License required.

No person shall maintain or operate, within the limits of the city, any mobile home park unless such person shall first obtain a license therefor.

(Code 1982, § 12.11(2))

Sec. 9-93. License fees.

License fees shall be as follows:

(1) *Mobile home park licenses.* The license fees for each mobile home park shall be $25.00 per year for each 50 spaces or fraction thereof.

(2) *License transfers.* The fee for each transfer of a license, from owner to owner, or from mobile home park to mobile home park, shall be $10.00.

(3) *Monthly fee.* There is hereby imposed on each owner of a nonexempt mobile home in the city a monthly parking permit fee determined in accordance with § 66.0435(3) Wis. Stats. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile home owner, but such licensee may retain, for administrative expenses, two percent of the monthly fees collected. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the finance director such parking permit fees on or before the tenth day of the month following the month for which such fees are due in accordance with the terms of this article and such regulations as the finance director may reasonably promulgate.

(4) *Notification of units added.* Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the city clerk and city assessor on such homes added to their park or land within five days after arrival of such home on forms furnished by the clerk.

(5) *Renewal of license.* Upon application by any licensee, and after approval by the council and upon payment of the annual license fee, the city clerk shall issue a certificate renewing the license for another year, unless sooner revoked. Such application shall be in writing, signed by the applicant, on forms furnished by the city.

(Code 1982, § 12.11(3))

Sec. 9-94. Application for license.

The application for the license shall contain the following, and an inspection and investigation shall be made as follows:

(1) *Information required.* Application for a mobile home park license shall be filed with the city clerk. The application shall be in writing signed by the applicant and shall contain the following:

(a) The name and address of the applicant.

(b) The location and legal description of the mobile home park.

(c) A complete plan of the park showing the locations of all roads, lots, utilities and common areas of the park.

(d) Plans and specifications of all buildings and other structures constructed or to be constructed within the mobile home park.

(e) Such further information as may be requested by the judiciary, license and cemetery committee to enable it to determine if the proposed park will comply with legal requirements.

(2) *Inspection and investigation.* The application and all accompanying plans and specifications shall be filed in triplicate with the building services supervisor. The board of public works, the chief of police and the building services supervisor shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed mobile home park will be in compliance with all provisions of this article and with ATCP 125Wis. Admin. Code and § 66.0435 Wis. Stats., the council shall approve the application and, upon completion of the park according to the plans, the city clerk shall issue the license.

(3) *Transfer applications.* Upon application for a transfer of the license, the council shall approve a transfer if the license committee and the chief of police shall report that the transferee is of good moral character.

(Code 1982, § 12.11(4))

Sec. 9-95. Penalty.

Any violation of this article shall be subject to a penalty as set forth in section 1-05 of this Code.

(Code 1982, § 12.11(5))

Chapter 10

PUBLIC PEACE AND GOOD ORDER

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Article I. In General

Sec. 10-01. Offenses against state laws subject to forgeiture.

The statutory provisions describing and defining regulations with respect to offenses against peace and good order of the city and state laws in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to secure uniform statewide regulations. Citation to the following statutes shall be made by adding the prefix "10" to the applicable statute. Offenses under this chapter shall be subject to forfeitures imposed under section 1-05 of this Code.

Wis. Stats.	
10.134.06	Bonus to chauffeurs for purchases, forbidden
10.134.66	Restrictions on sale or gift of cigarettes or tobacco products
10.173.10	Investigation of cruelty complaints
10.175.25	Storage of junked automobiles
10.218.0146	Motor vehicles
10.218.0147	Purchase or lease of motor vehicle by minor
10.254.76	Causing fires by tobacco smoking
10.254.92	Purchase or possession of cigarettes or tobacco products by persons under 18 years of age
10.285.30	Motor vehicle emissions
10.939.05	Parties to a crime
10.939.22	Words and phrases defined
10.940.20	Battery, special circumstances
10.941.10	Negligent handling of burning material
10.941.13	False alarms
10.941.20	Endangering safety by use of a dangerous weapon
10.941.23	Carrying concealed weapon
10.941.24	Possession of switch blade knife
10.943.01	Damage to property
10.943.13	Trespass to land
10.943.14	Criminal trespass to dwellings
10.943.145	Criminal trespass to a medical facility
10.943.15	Entry onto a construction site or into a locked building, dwelling or room
10.943.017	Graffiti
10.943.20	Theft (value not greater than $2,500.00)
10.943.21	Fraud on hotel or restaurant keepers
10.943.215	Absconding without paying rent
10.943.24	Issue of worthless checks
10.943.45	Theft of telecommunication service
10.943.455	Theft of commercial mobile service
10.943.46	Theft of cable television service
10.943.50	Retail theft
10.943.61	Theft of library materials
10.944.15	Public fornication
10.944.20	Lewd and lascivious behavior

10.944.23	Making lewd, obscene or indecent drawings
10.944.30	Prostitution
10.944.31	Patronizing prostitutes
10.944.33	Pandering
10.945.01	Definitions
10.945.02	Gambling
10.945.03	Commercial gambling; up to five video gambling machines
10.945.04	Permitting premises to be used for commercial gambling
10.946.40	Refusing to aid officer
10.946.41	Resisting or obstructing officer
10.946.42	Escape
10.946.49	Bail jumping
10.946.70	Impersonating peace officer
10.946.72	Tampering with public records and notices
10.947.01	Disorderly conduct
10.947.012	Unlawful use of telephone
10.947.0125	Unlawful Use of Computerized Communications
10.947.013	Harassment
10.947.06	Unlawful assemblies and their suppression
10.951.01—10.951.15	Crimes against animals
10.961.14(4)(t)	THC
10.961.41	Prohibited acts A—penalties

(Code 1982, § 9.01; Ord. No. 1198, § 1, 4-12-2011)

Sec. 10-02. Penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-05 of this Code, except as otherwise provided. In addition to any penalty imposed for violation of § 10.943.01(1)Wis. Stats., any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates § 10.943.01(1) Wis. Stats. may also be held liable for the cost of repairing such damaged or destroyed property in accordance with § 895.035 Wis. Stats.

(Code 1982, § 9.50)

Secs. 10-3—10-29. Reserved.

Article II. Offenses Against Public Peace, Health and Safety

Sec. 10-30. Firearms.

(1) Unless prohibited by state and federal law, persons may carry exposed firearms or dangerous weapons in the City of Marshfield, and they may further carry concealed firearms or dangerous weapons in the City of Marshfield with a valid permit or license.

(a) Dangerous weapon means:

1. A firearm, meaning a weapon designed to fire a projectile by force of gunpowder.

2. An air gun, meaning a weapon designed to emit a solid projectile through use of compressed air or other gas propellant.

3. A chemical weapon such as mace, pepper spray or similar chemical designed to incapacitate a human.

4. A stun gun, cattle prod or similar electronic control device (EDC) designed to incapacitate a human through the use of electrical charge or current.

5. Blunt impact weapons designed to strike a human, including but not limited to a sap, brass knuckles, baton or nun-chukkas.

6. Any other item, instrument or device specifically designed to cause bodily harm to another.

(b) The following restrictions shall apply to the carrying of firearms or dangerous weapon:

1. School Property: No person may carry any exposed or concealed firearm, ammunition for any firearm, or dangerous weapon onto school poperty. No person may carry a folding, retractable, or fixed blade knife of any kind while on school property unless otherwise aurthorized by school administration.

2. Courtrooms: No person may carry any exposed or concealed dangerous weapon or bladed weapon of any kind into any courtroom while court is in session, unless otherwise permitted by the Wisconsin Statutes.

3. Public Building: No person may enter or remain in a public building which is properly signed and while in possession of a firearm or dangerous weapon; exposed or concealed.

4. Private Buildings: No person may carry any exposed or concealed firearm into a private business which is properly signed or has been personally instructed to remove such firearm from the premises by the person in control of the premises.

5. Private Residence: No person may carry a concealed or exposed firearm into a private residence when properly signed or personally instructed not to do so by the owner or person having the legal right of control the premises.

6. Special Events: No person may carry any exposed or concealed firearm into any event which lasts no longer than three weeks and is properly signed prohibiting such possession and has controlled access points or admission is charged.

7. Establishments Serving Alcoholic Beverage: No person may carry any exposed or concealed firearm into any establishment that serves alcohol for consumption on premises and that party partakes in such consumption.

8. Trespass with weapon: Any person entering properly signed areas or failing to remove any dangerous weapon from any location described in § 10-30(1)(b) 1-7, after having been instructed to do so specifically by the person(s) in control or having legal interest, may be cited for trespass under this section.

(c) "Properly Signed".

1. For purposes of this Section, "Properly signed" shall mean signs not less than 5 inches by 7 inches notifying any individual not to enter or remain in a part of that building, or on the grounds of that building while carrying a firearm, dangerous weapon or any particular type of firearm or dangerous weapon and the posting of such signs shall be in accordance with §943.13 of the Wisconsin Statutes.

(d) The following individuals shall be exempted from the prohibitions against the carrying of firearms under this section:

1. Sworn law enforcement personnel.

2. Former law enforcement officers with proper picture identification and certification within the past 12 months in accordance to 18 U.S.C. 926

3. Armed forces personnel acting in the line of their duties.

(e) Ordinance officers and Auxiliary officers of the Marshfield Police Department will be exempt of the following under this section:

1. The carrying of pepper spray or other crowd control aerosols in otherwise restricted locations when doing so in the course of their official duties.

2. The carrying of an electronic control device, ("ECD"), in otherwise restricted locations; if that officer is a certified law enforcement officer of the State of Wisconsin or is a valid Carrying Concealed Weapons license holder, and has been properly trained and authorized by the Marshfield Police Chief to do so.

(2) It shall be unlawful for any person, except a police officer in the line of duty, to fire or discharge, within the City of Marshfield, any rifle, shotgun, pistol, air gun or weapon using gas or other propellant, bow and arrow, or any other weapon of any kind or nature, except as provided in this section.

(a) Subsection (2) of this section does not apply and may not be enforced if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in §939.45.

(b) Subsection (2) of this section shall not apply to target practice, aerial clay, or archery practice or contests, where such activities are regular activities of a club or association of adult persons, organized for that purpose, and where, before engaging in such activities, there shall be issued by the chief of police, in writing, a certificate stating that he or his designee has examined the premises on which such activities are proposed to be conducted, and the rules and regulations of such club purposes, according to ordinance standards.

(c) The chief of police shall have the authority to determine, in any given case, whether a weapon or device may be used for any other purpose than permitted in this section, and may issue a written permit for such use.

(d) Penalty. Any person who shall violate the provisions of this section shall be subject to a penalty as provided by section 1-05 of this Code.

(e) Subsection (2) of this section shall not apply to bow hunting within the Marshfield corporate limits. Bow hunting within the City of Marshfield corporate limits shall satisfy all of the following requirements:

1. Every person who bow hunts within the City of Marshfield shall:
    i. Possess a current valid archery deer hunting license or small game license issued by the Wisconsin Department of Natural Resources;
    ii. Secure the permission of the owner of the land where the hunt is to occur;
    iii. Hunt in a location no less than 100 yards from any "Building" without the express consent of any and all owners of said "Buildings" within that distance. "Building" shall mean a permanent structure used for human occupancy and includes a manufactured home, as defined in s. 101.91(2), Wis. Stats.;
    iv. Hunt from an elevated position which directs the arrow toward the ground immediately upon release;
    v. Hunt only with a bow and arrow or a crossbow and arrow; and
    vi. Hunters must comply with all state and local laws, rules and regulations and the directions set forth in the Deer Management Plan of the Department of Natural Resources.
2. Hunting on city owned property is permitted with the following restrictions:
    i. Any cutting of trees, brush, lanes, or trails is prohibited;
    ii. The conducting of deer drives (on foot or motorized) is prohibited;
    iii. Permanent free standing or tree stands are prohibited
    iv. Permanent ladders, or nailed on or screw-in steps affixed to any tree are prohibited;
    v. Portable tree stands and ladders must be removed daily;
    vi. Hunting in any city park or on school grounds is strictly prohibited; and
    vii. Hunters who harvest deer or large animals are to clean up all entrails.

(Code 1982, § 9.02; Ord. No. 1145, § 1, 11-25-2008; Ord. No. 1215, § 1, 11-8-2011; Ord. No. 1219, § 1, 5-8-2012; Ord No. 1266, 4/8/14)

Sec. 10-31. Throwing or shooting missiles and projectiles.

No person shall throw, shoot or otherwise propel any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the city.

(Code 1982, § 9.03)

Sec. 10-32. Sale and discharge of fireworks restricted.

The provisions of § 167.10 Wis. Stats. regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full. A person convicted of violation of this section, in addition to such forfeiture as is ordered by the court, shall pay all costs incurred in regard to destruction of such fireworks, including any administrative expenses and storage costs in regard thereto as determined by the police department.

(Code 1982, § 9.04)

Sec. 10-33. Regulation of noise and vibrations.

(1) *Declaration of policy.* The City of Marshfield, finding that excessive levels of sound and vibrations are detrimental to the physical, mental and social well-being of the citizens of the City of Marshfield, as well as to their comfort, living conditions, general welfare and safety, hereby declares it to be necessary to provide for the greater and more effective regulation of excessive sounds through the adoption of this section.

(2) *Scope.* This section shall apply to all sound and vibration originating within the limits of the City of Marshfield.

(3) *Definitions.* All terminology used in this section, not defined in this subsection, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Airblast means an airborne shock wave resulting from detonation of explosives.

Continuous sound means and denotes a sound the intensity of which remains essentially constant during a given period of time. Continuous sound shall be measured by the slow response setting of a sound level meter.

Decibel (dB) means a unit measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Department means the Marshfield Police Department.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Equivalent A-weighted sound level (Leq) means the constant sound level that, in a given situation, and time period, conveys the same sound energy as the actual time varying A-weighted sound.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any sound which (i) endangers or injures the safety or health of humans or animals; or (ii) any loud or unusual noise which would tend to annoy or disturb a reasonable person of normal sensitivities; or (iii) endangers or injures personal or real property; or (iv) exceeds the applicable maximum permissible sound levels as they appear in the tables at subsection (6)(b) of this section.

Person means any individual, association, partnership or corporation.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

Public space means any real property or structures thereon which are owned or controlled by a governmental entity.

Real property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4 - 1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Stationary source means any sound source operating or occurring on any public or private property, not including a public right-of-way.

Unreasonable annoyance means an excessive, repeated noise, action or other disturbance that is not justified by reason.

Vibration means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to given reference point.

(4) *Administration.* The noise control program established by this section shall be administered by the Marshfield Police Department.

(5) *Noise disturbances prohibited.* No person shall make, continue or cause to be made or continued within the city, any noise disturbance as defined in subsection (3) of this section. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

(a) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound. The using, operating or permitting to be played, used or operated between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to create a noise disturbance across a real property boundary.

(b) *Loudspeakers/public address systems.* Using or operating or permitting the operation of any loudspeaker, public address system, or similar device, such that the sound therefrom creates a noise disturbance.

(c) *Noisy animals.* The keeping or harboring of any animal which by frequent or habitual howling, yelping, barking, crowing, or making of other noises, substantially annoys, disturbs or inconveniences a person living nearby or passing by upon the public streets, alleys or sidewalks.

(d) *Construction and tool use.* Operating or permitting the operating of any tools or equipment between the hours of 9:00 p.m. and 7:00 a.m. the following day, such that sound therefrom creates a noise disturbance, except for emergency work of public service utilities.

(e) *Emergency signaling devices.* The sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar signaling device such that the sound therefrom creates a noise disturbance, except for actual emergency purposes. Testing a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed three minutes.

(f) *Yelling, shouting.* Yelling, shouting, whistling, hooting or generally creating a racket between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to annoy or disturb the quiet comfort or repose of persons in any business or residence or in such a manner as to create a noise disturbance.

(6) *Measurement and control of noise.* Measurement and control of noise shall be in accordance with the following:

(a) *Noise prohibited.* No person shall make, continue or cause to be made or continued any noise in excess of the noise levels set forth in this subsection unless such noise is reasonably necessary to the preservation of life, health, safety or property.

(b) *Measurement and control.* It shall be unlawful for any person to cause a sound from a stationary source which exceeds any sound level as set forth in the applicable column in the following table titled "Maximum Permissible Sound Levels" when measured at the real property line of the offending source. Measurement shall be made by a duly authorized individual who is knowledgeable in the proper use of the measurement equipment. Measurement shall be made in the slow response, A-weighting of the sound meter.

Maximum Permissible Sound Levels

Zones	Time of Day	dB
All	7:00 a.m. to 10:00 p.m.	80
All	10:00 p.m. to 7:00 a.m.	65

(c) *Exemptions.* Exemptions shall be as follows:

1. Operations of emergency equipment shall be exempt from this section. Equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety and protection of the citizens of the city.

2. Snow blowers not operated on a commercial basis shall be exempt from this section when used to gain access to a city street.

3. Lawn mowers, chainsaws, powered garden equipment and other nonconstruction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 10:00 p.m. unless within the specified noise levels measured at the property line of the location at which such equipment is in use.

4. Concrete joint sawing done in conjunction with a concrete paving or patching project shall be exempt from this section.

(7) *Variances.* Procedures for granting variances shall be as follows:

(a) The council may issue variances for special circumstances such as, but not limited to:

1. Special public events such as parades, Fourth of July celebrations, fairs, school band playing and similar public, community events which are limited in duration. The variances may limit the hours and duration of the variance and may be conditioned upon the applicant taking technologically reasonable steps to minimize the noise.

2. Existing business operations and equipment which produce excessive noise if it is found that it is not technologically or economically feasible to alter such operation to reduce noise to the standard prescribed by this section. Such variance permit may be of indefinite duration.

3. The variance may be granted upon application stating the name of the applicant, address of the event, date and times of operation, what technologically reasonable steps will be taken to minimize the noise and a noise impact statement. The contents of the noise impact statement shall be determined by the city clerk.

(b) In determining whether to grant or deny an application, the council shall balance the hardship to the applicant, the community, and other persons of denying the special waiver against the adverse impact of granting the variance on the health, safety and welfare of persons affected.

(8) *Vibrations.* Vibrations shall be regulated as follows:

(a) Except as otherwise specifically provided in this section, the provisions of SPS chapter 307, subchapter VII of the Wisconsin Administrative Code, as amended from time to time, are hereby adopted by reference and made a part of this Code as though fully set forth in this section, exclusive of provisions relating to penalties. Any act required to be performed or prohibited by COMM chapter 7, subchapter VII is required or prohibited by this section.

(b) In addition to preblast notice required by SPS chapter 307, the contractor shall notify the department in advance of all blasting.

(9) *Emergency exception.* The provisions of this section shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

(10) *Conflict.* If this section or parts of this section conflict with any prior ordinance, or part of a prior ordinance, this section repeals all prior ordinances or parts thereof.

(Code 1982, § 9.06; Ord. No. 1014, § 1, 4-13-2004; Ord. No. 1086, § 1, 11-14-2006; Ord. No. 1220, § 1, 2-28-2012; Ord. No. 1220, § 1, 2-28-2012)

Sec. 10-34. Animals running at large prohibited.

(1) *Generally.* General provisions for animals running at large are as follows:

(a) It shall be unlawful to own, keep or harbor a dog or cat or other animal and permit such animal to run at large in the City of Marshfield at any and all times.

(b) The animal shall be deemed to be running at large when found on any of the public streets, alleys, parks, or other public grounds of the city, or when off the premises of the owner or person having custody and control of such animal unless held in leash.

(c) Any person who allows any such animal owned by him to defecate on property of another or on any public property or on any public terrace, defined as that area between the sidewalk and curbline, shall cause the feces to be removed immediately.

(d) "Animal" includes every living warm-blooded creature except a human being.

(2) *Female animals in season.* Any female animal in season shall be kept confined in a building or secure kennel enclosure, veterinary hospital or boarding kennel during the duration of such season.

(3) *Vicious animals.* The owner of any vicious animal shall keep it securely enclosed on the owner's premises away from the proximity of sidewalks, paths, or alleys, and shall keep it muzzled when exercising it. Where there is evidence that any such animal intimidates any person to the extent that such person is unable to use or enjoy any property, the animal control officer or any law enforcement officer may order the animal muzzled, leashed or restrained.

(4) *Nuisance, inhumane treatment.* No person shall keep or harbor or own any dog, cat or any other animal, which by loud or infrequent or habitual barking, meowing, yelping orhowling, or by constant threat of attack and/or biting shall cause annoyance to the neighborhood or to people passing upon the street. No person shall refuse to deliver up to a police officer or animal control officer a dog, cat or other animal when properly requested to do so under the provisions of this section. No person shall be cruel to a dog, cat or other animal, such cruelty consisting of beating, torturing, mutilating, killing, or of clear failure to provide food, drink or shelter. No person may abandon any animal.

(Code 1982, § 9.08; ORD 1312, 7/14/15)

Sec. 10-35. Storage of junk, etc.

(1) *Generally.* Storage of junked or discarded property shall be restricted as follows:

(a) *Restricted.* No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood, except in an enclosure which screens such property from public view or upon license issued by the council.

(b) *Order for compliance.* The building services supervisor may require by written order any premises in violation of this subsection to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

(2) *Abandoned vehicles.* Procedures for abandoned vehicles shall be as follows:

(a) *Vehicle abandonment prohibited.* No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any city street or highway or on any public or private property within the city without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(b) *Removal and impoundment of abandoned vehicles.* Any vehicle in violation of this subsection shall be impounded until lawfully claimed or disposed of under subsection (2)(c) of this section. If the chief of police or his authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the city prior to expiration of the impoundment period upon determination by the chief of police or his authorized representative that the vehicle is not stolen or otherwise wanted for evidence or any other reason.

(c) *Disposal of abandoned vehicles.* Disposal of abandoned vehicles shall be in accordance with the following:

1. *Vehicles exceeding $250.00 in value.* Vehicles exceeding $250.00 in value shall be disposed of in accordance with the following:

a. If the chief of police or his authorized representative determines that the value of an abandoned vehicle exceeds $250.00, he shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the city and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and if not so reclaimed shall be sold. See also subsection (2)(d) of this section.

b. If an abandoned vehicle exceeding $250.00 in value is not reclaimed within the period and under the conditions provided in subsection (2)(c)1.a of this section, it may be sold at private sale.

c. After deducting the expenses of impoundment and sale, the balance of the proceeds, if any, shall be paid into the city treasury.

2. *Vehicles of less than $250.00 in value.* Any abandoned vehicle which is determined by the chief of police or his authorized representative to have a value of less than $250.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(d) *Owner responsible for impoundment and sale costs.* The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding, storing and disposing of the vehicle, provided no such costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard thereon. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the city against the owner.

(e) *Notice of sale or disposition.* Within five days after the sale or disposal of a vehicle as provided in subsection (2)(c) of this section, the chief of police or his authorized representative shall advise the state department of transportation, division of motor vehicles, of such sale or disposition on a form supplied by the division. A copy of such form shall be given to the purchaser of the vehicle, and a copy shall be retained on file with the city.

(Code 1982, § 9.09)

Sec. 10-36. Open cisterns, wells, basements or other dangerous excavations prohibited.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person, and any cover shall be of such design, size and weight that the cover cannot be removed by small children.

(Code 1982, § 9.12)

Sec. 10-37. Abondoned or unattended refrigerators, etc., prohibited.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside unless such door or lid, snap lock or other locking device has been removed from such icebox, refrigerator or container or unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

(Code 1982, § 9.13)

Sec. 10-38. Hunting; dogs prohibited in certain places.

(1) *Hunting.* No person shall kill, hunt, push, drive or pursue any game animals or birds within the corporate limits of the City of Marshfield unless specifically permitted pursuant to section 10-30(3) of this Code.

(2) *Pets.* No person, except persons with assistance animals as provided in § 174.056 Wis. Stats., shall allow dogs or other animals to enter any public building, picnic grounds, playgrounds, athletic facilities, or the

zoo within the city park; provided, however, this prohibition shall not apply to personal assistance animals or animals escorted by a police officer or ordinance control officers as provided under § 174.056 Wis. Stats. In public areas where pets are permitted, they shall at all times be effectively restrained or under the owner's control as provided in section 10-34 of this Code. Nonresidents who are patrons of the city-owned camping facilities may have pets, provided they are within the camping section, leashed or in enclosures.

(Code 1982, § 8.18; Ord. No. 1139, § 1, 2, 10-14-2008)

Sec. 10-39. Possession and use of marijuana, synthetic marijuana and drug paraphernalia

(1) M*arijuana Possession Or Use Prohibited.* No person shall possess or use marijuana, except as otherwise authorized herein or by Chapter 961 Wis. Stats.

(2) *Synthetic Marijuana Possession, Use and Sale Prohibited.* No person shall use, possess, transport, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, trade or barter any one or more of the following chemicals whether under the common street or trade names of "Spice", "K2", "Genie", "Yucatan Fire", "fake" or "new" marijuana, or by any other name, label, or description:

(a) Salviadivinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;

(b) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10atetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210;

(c) 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice;

(d) 1-Butyl-3-(1naphthoyl) indole-some trade or other names: JWH-073;

(e) 1-(3{trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP; or

(f) any similar structural analogs.

(3) *Drug Paraphernalia Possession Or Use Prohibited.* No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation Chapter 961 of the Wisconsin Statutes.

(4) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drug paraphernalia means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of Chapter 961 of the Wisconsin Statutes and as further specifically defined in section 961.571, Wis. Stats.

Marijuana means all parts of the plant cannabis sativa L., whether growing or not, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its

seeds and resins, and shall further include tetrahydrocannabinols, commonly known as "THC", in any form including tetrahydrocannabinols contained in marijuana, obtained from marijuana or chemically synthesized or a derivative thereof.

Practitioner means a physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research.

(5) *Exception.* Acts otherwise prohibited under this section shall not be unlawful if done by or under the direction or prescription of a licensed practitioner as defined herein.

(6) *Penalty.* Any person violating this ordinance shall be subject to a forfeiture of not less than $100.00 nor more than $500.00, exclusive of costs.

(Code 1982, § 9.23; Ord. No. 1195, § 2, 12-21-2010)

Sec. 10-40. Disposal of abandoned property.

Any personal property which has been abandoned, or which remains unclaimed for a period of 30 days after taking of possession of the property by city officers may be disposed of as provided in this section.

(1) *Auction.* Personal property, other than that personal property described in subsection (3) or (4) of this section, may be disposed of by sale at public auction. Such auction shall be held by the Marshfield Police Department, and the terms, conditions and advertisement thereof shall be as determined by the chief of police.

(2) *Private disposition.* If the personal property described above is not sold at auction, it may be disposed of by the Marshfield Police Department in either of the following ways:

(a) *Return to finder.* If the finder of the personal property is known, the personal property may be returned to such finder.

(b) *Sale.* If the finder is not known, the personal property may be appraised and sold to any person under such terms and conditions as may be deemed reasonable and appropriate by the chief of police.

(c) Disposed of as junk.

(d) In any of the cases described in subsection (2)(a)—(c) of this section, the Marshfield Police Department shall maintain an inventory of such property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession thereof. Such inventory shall be kept as a public record for a period of not less than two years from the date of the disposal of such property. If the disposal is by sale, all receipts therefrom, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the city treasury.

(3) *Dangerous substances, materials or devices.* Abandoned or unclaimed flammable, explosive of incendiary substances, materials or devices posing danger to life or property in their storage, transportation or use may be safely disposed of immediately after taking possession thereof without a public auction, as follows:

(a) The Marshfield Police Department shall make a reasonable attempt to return such property to the rightful owner if the property has a commercial value in normal business usage and if the property does not pose an immediate threat to life or property, or if such property appears to be or has been reported as stolen.

(b) If such an attempt is unsuccessful, or if the property poses an immediate threat to life or property, in the determination of the chief of police, such property may be disposed of in any safe manner.

(4) *Firearms or ammunition.* Firearms or ammunition which have been abandoned, or remained unclaimed, for a period of 30 days after the taking of possession by city officers, may be disposed of only by return to the rightful owner, destruction, or transfer to the state crime laboratory under § 165.75 Wis. Stats., the Division of Law Enforcement Services of the Department of Justice; the Federal Bureau of Investigation; or the Alcohol, Tobacco and Firearms Bureau of the United States Department of Treasury.

(Code 1982, § 9.26)

Sec. 10-41. Unnecessary use of railroad whistles, horns and bells.

(a) No railroad company or any of its agents, servants or employees, shall blow or cause to be blown any whistle or horn, or use any bell, within the limits of the city, between the hours of 11:00 p.m. and 6:00 a.m., except in those cases prescribed and designated by Federal and/or State Law, but nothing in this section shall be construed as forbidding or prohibiting the blowing of any whistle or horn, or the use of any bell, as a signal or warning in case of peril, fire, collision or other imminent danger to life and/or property.

(b) No train horn, whistle or warning bells shall be sounded at a distance greater than 1,100 feet from any private crossing within the City, except as required by Federal and/or State Law.

(Ord. No. 1045, § 1, 3-8-2005; Ord. No. 1068, § 1, 2, 5-23-2006)

Sec. 10-42. Feeding of Deer Prohibited

(1) *Feeding of Deer Prohibited.* It shall be unlawful to feed deer in the City of Marshfield through the placement of any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property.

(a) *Definition of Deer Feeding.* The following acts shall constitute unlawful deer feeding:

1. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of more than one-half gallon at a height of less than 7 feet above the ground.

2. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of more than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material above the ground.

3. Any other method of placing salt, mineral, grain, fruit or vegetable material out of doors, or allowing salt, mineral, grain, fruit or vegetable materials to remain out of doors for consumption by deer.

4. Any feeder placed 50 feet or more from any deeded residence.

(b) *Exception.* This section shall not apply to the following situations:

1. *Hunting.* The placement of bait for the purpose of hunting deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.

2. *Naturally Growing Materials.* Naturally growing grain, fruit or vegetable material, including gardens.

3. *Compost.* Compost shall be defined as a mixture of various decaying organic substances which shall be predominately comprised of, but not necessarily limited to, dead leaves, grass, tree and shrub chippings and trimmings and other forms of usual and customary lawn/yard/garden waste and may incidentally include minimal quantites of grain, fruit or vegetable material.

4. *Wildwood Zoo.* Feeding deer legally confined within Wildwood Zoo, licensed deer farms and all other similarly licensed facilities.

5. *Bird Feeders.* Unmodified commerically purchased bird feeders or their equivalent.

6. *Authorized by the Common Council.* Deer feeding may be authorized on a temporary basis by the Common Council for a specific purpose as determined by the Common Council.

(2) *Penalties.* Any person who shall violate any provision of this section shall be subject to a penalty as provided below. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.

(a) First Offense. Shall be not less than $30, nor more than $100, plus court costs and the costs of prosecution;

(b) Second/Subsequent Offense. Committed within one year shall be not less than $100, nor more than $500, plus court costs and the costs of prosecution;

(c) As additional penalties, the court may impose upon any person who violates this section, all costs of abating the nuisance, including costs incurred by City employees, agents, and contractors.

(Ord. No. 1082, § 1, 11-14-2006)

Sec. 10-43. Social Hosting

(a) Definitions. For purpose of this section, the following terms have the following meanings:

(1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(2) "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(3) "Event or gathering" means any group of three or more underage persons who have assembled or gathered for a social occasion or other activity.

(4) "Host" or "allow" means to organize, supervise, control, or permit a gathering which is prohibited under section (b).

(5) "Parent" means any person having legal custody of a juvenile:

(A) As a natural, adoptive parent or step-parent;

(B) As a legal guardian; or

(C) As a person to whom legal custody has been given by order of the court.

(6) "Residence", "premises", or "public or private property" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.

(7) "Underage person" is any individual under twenty-one (21) years of age.

(8) "Present" means being at hand or in attendance.

(9) "In control" means the power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

(10) "Possession" means the fact of having or holding property in one's power, the exercise of dominion over property.

(b) Prohibited acts.

(1) No person may procure for, sell, dispense or give away any alcoholic beverage to any underage person not accompanied by his or her parent, guardian or spouse who has not attained the legal drinking age.

(2) No adult may knowingly permit, host, or fail to take action to prevent the illegal consumption or possession of alcoholic beverage by an underage person on premises owned by the adult or under the adult's control.

(3) No adult may intentionally encourage or contribute to a violation of (b) 1 or 2.

(c) Exceptions.

(1) This chapter does not apply to conduct solely between an underage person and his or her parent or spouse of legal drinking age and while that parent or spouse is present and in control of the underage person.

(2) This chapter does not apply to legally protected religious observances.

(3) This chapter does not apply to situations where the underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(d) Penalties. A person who commits a violation may be:

(1) Required to forfeit not more than $500 plus court costs if the person has not committed a previous violation within 30 months of the current violation.

(2) Be required to forfeit not more than $1,000 plus court costs if the person has committed a previous violation within 30 months of the current violation.

(3) Be required to forfeit not more than $2,500 plus court costs if the person has committed 2 previous violations within 30 months of the current violation.

(4) Be required to forfeit not more than $5,000 plus court costs if the person has committed 3 or more previous violations within 30 months of the current violation.

Secs. 10-44—10-65. Reserved.

Article III. Offenses Against Property

Sec. 10-66. Littering prohibited.

No person shall throw any glass, refuse, waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the city or upon any private property or upon the surface of any body of water within the city.

(Code 1982, § 9.10)

Sec. 10-67. Posting bills.

No person shall post or paint a bill, notice or advertisement upon any building, fence, wall, door or gate without first securing the consent of the owner thereof, or upon any public building, curbstone, crosswalk, lamppost, sidewalk, street or hydrant. The word "post" shall not be construed to mean the delivery of materials to private residences by nonprofit organizations including church-oriented organizations, or political campaign material for a period of not more than 90 days prior to an election, except as otherwise provided in section 18-111 et seq. of this Code, or the public utilities, or the depositing of newspapers, telegrams, mail or packages delivered by any acknowledged delivery service.

(Code 1982, § 9.14)

Sec. 10-68. Taking water from hydrants.

No unauthorized person shall take or release water from any hydrant within the city for private purposes.

(Code 1982, § 9.17)

Sec. 10-69. Use of cemetery.

(1) *Hours of use.* No person except authorized persons shall occupy or be in any portion of the city cemetery or park a motor vehicle therein between 8:30 p.m. and 6:00 a.m.

(2) *Defined.* The city cemetery includes the cemetery owned and occupied by the city and those portions thereof owned and occupied by the Catholic and Lutheran congregations of the city.

(3) *Injury to property prohibited.* No person shall cause injury to any monument, headstone or other marker in the city cemetery or destroy or take and remove flowers, flower containers, shrubs or parts of shrubs therefrom.

(Code 1982, § 9.22)

Sec. 10-70. Urinating or defecating on property without owner's consent.

Whoever urinates or defecates on any public way, public street, sidewalk, boulevard, parkway, safety zone, alley, public parking lot, or on any private property without consent of the owner or occupant, is subject to a forfeiture not to exceed $100.00 and in lieu of payment assessed imprisoned for not more than 30 days in the county jail.

Sec. 10-71. Refusal to pay for a taxicab ride.

It shall be unlawful for any person to intentionally enter a taxicab that transports persons for hire and refuse to pay, without delay, upon demand of the operator or other person in charge of the taxicab, the prescribed transportation fare.

(Code 1982, § 9.27)

Sec. 10-72. Vehicular trespass.

(1) The use of privately owned property in the City of Marshfield, to include driveways, parking lots, or other commercial or residential property, for through traffic, after having been notified by the owner or occupant not to use the property for such purpose, is hereby prohibited.

(2) For the purpose of this section, through traffic on private property is defined as driving a motor vehicle through or onto privately owned property, with no intention of stopping thereon to conduct business or use any facilities on the property or to exit the vehicle for legal purposes.

(3) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the property is posted. Property is considered to be posted under this subsection if a sign is placed at each entrance or access point to the property, indicating "no through traffic" or "no turn around," and indicated at the bottom of the sign, "by order of the City of Marshfield, section 10-72 Municipal Code." Such sign shall be at least 18 inches high by 12 inches wide, with block lettering at least two inches high.

(4) It shall not be a defense to a charge of vehicular trespass that the property posted is otherwise a public place.

(5) Violation of this section shall be subject to a forfeiture of $30.00 for each offense, and, if prosecuted on information and belief, and if the driver cannot be specifically identified, then the vehicle owner may be held liable for such offense.

(Code 1982, § 9.30; Ord. No. 1140, § 2, 10-28-2008)

Sec. 10-73. Trespass by Use of Alcohol

(1) No person shall possess or consume any amount of an alcoholic beverage, whether in an open or closed container, on the property of another without the permission of a person lawfully upon the premises.

(2) If any underage alcohol citation charging a violation of Section 9-45(1) of the Municipal Code is amended to a violation under this Section, a conviction under this Section shall be treated as a violation under Section 9-45(1) of the Marshfield Municipal Code for purposes of computing prior violations under Section 9-45(3)(a) of the Marshfield Municipal Code.

(Ord. No. 1156, § 1, 8-11-2009)

Secs. 10-74—10-100. Reserved.

Article IV. Minors

Sec. 10-101. Curfew.

(1) *Loitering of minors (ages 16 and 17).* Persons under the age of 18, who have reached their 16th birthday, shall not loiter, idle, wander or play upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the city between 10:00 p.m. and 6:00 a.m. each day, from Sunday evening to Friday morning, inclusive, and between 12:00 midnight and 6:00 a.m. each day from Friday evening to Sunday morning, unless accompanied by a parent, guardian or group supervised by an adult for whom the parent or guardian has given the minor permission to associate with during the hours of curfew, or unless the minor is engaged in the performance of a necessary errand or duty directed by a parent, guardian or other adult having supervision, or in the course of the minor's employment, or if the minor is returning directly home from an activity which had prior approval of the parent or guardian such as family or school activities, church programs or approved organizational activities.

(2) *Loitering of minors (ages 13, 14 and 15).* Persons under the age of 16, who have reached their 13th birthday, shall not loiter, idle, wander or play upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the city between 10:00 p.m. and 6:00 a.m. each day, from Sunday evening to Friday morning, inclusive, and between 10:30 p.m. and 6:00 a.m. each day from Friday evening to Sunday morning, unless accompanied by a parent, guardian or group supervised by an adult for whom the parent or guardian has given the minor permission to associate with during the hours of curfew, or unless the minor is engaged in the performance of a necessary errand or duty directed by a parent, guardian or other adult having supervision, or in the course of the minor's employment, or if the minor is returning directly home from an activity which had prior approval of the parent or guardian such as family or school activities, church programs, or approved organizational activities.

(3) *Loitering of minors (ages 12 and under).* Persons who have not reached their 13th birthday shall not loiter, idle, wander or play upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the city between 9:00 p.m. and 6:00 a.m. each day, unless accompanied by a parent, guardian or group supervised by an adult for whom the parent or guardian has given the minor permission to associate with during the hours of curfew, or unless the minor is engaged in the performance of a necessary errand or duty directed by a parent, guardian or other adult having supervision, or if the minor is returning directly home from an activity which had prior approval of the parent or guardian such as family or school activities, church programs or approved organizational activities.

(4) *Responsibility of adults.* No parent, guardian or other adult person having the care and custody of a minor under 18 shall knowingly permit a minor to violate subsection (1), (2) or (3) of this section unless the minor is accompanied by his parent, guardian or another adult person having care or custody of the minor, or unless the minor is engaged in an activity as prescribed in this section.

(Code 1982, § 9.19)

Sec. 10-102. Truancy.

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Acceptable excuse means an acceptable excuse as defined in § 118.15 Wis. Stats.

Dropout means a child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational system on a full-time basis, has not graduated from high school and does not have an acceptable excuse under § 118.15(1)(b)—(d) or (3) Wis. Stats. and who is at least 16 years of age but less than 18 years of age.

Habitual truant means a pupil who is absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester.

Truant means a pupil who is absent from school without an acceptable excuse for part or all of the day on which school is held during a semester. The definition of "pupil who is absent from school" shall also include a pupil, who, while remaining on school property, fails to attend and/or who is absent without an acceptable excuse from a part or all of any class or other school activities said pupil had previously been assigned to attend.

(2) Any person under the age of 18 years enrolled in school is prohibited from being either a habitual truant or a truant or a dropout.

(3) *Penalty (truant).* Any person who is deemed to be a "truant" may be subject to one or more of the following dispositions by the court:

(a) An order for the person to attend school.

(b) A forfeiture of not more than $50.00 plus costs for a first violation, or a forfeiture of not more than $100.00 plus costs for any second subsequent violation committed within 12 months of a previous violation, subject to § 938.37 Wis. Stats. and subject to a maximum cumulative forfeiture amount of not more than $500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the truant, the parents or guardian of the truant or both.

(4) *Penalty (habitual truant).* Any person who is deemed to be a "habitual truant" may be subject to one or more of the following dispositions by the court:

(a) The suspension of the habitual truant's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of the suspended license and forward it to the department of transportation of the State of Wisconsin, together with a notice stating the reason for and the duration of the suspension.

(b) An order for the habitual truant to participate in counseling, a suspended work program or other community service work as described in § 938.34(5g) Wis. Stats. The costs of any such counseling, supervised work program or community service work may be assessed against the habitual truant, the parents or guardian of the habitual truant, or both.

(c) An order for the habitual truant to remain at home except during the hours in which the habitual truant is attending religious workshop or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a habitual truant to leave his or her home if the habitual truant is accompanied by a parent or guardian.

(d) An order for the habitual truant to attend an education program as described in § 938.34 (7d) Wis. Stats.

(e) An order for the habitual truant to be placed in a teen court program as described in § 938.342(1g)(f) Wis. Stats.

(f) An order for the habitual truant to attend school.

(g) A forfeiture of not more than $500.00 plus costs, subject to § 938.37 Wis. Stats. All or part of the forfeiture plus costs may be assessed against the habitual truant, the parents or guardians of the habitual truant, or both.

(h) Any other reasonable conditions consistent with this section, including a curfew, restrictions as to going to or remaining on specified premises and/or restrictions on associating with other children and/or adults.

(i) An order placing the habitual truant under formal or informal supervision as described in § 938.34(2) Wis. Stats., for up to one year.

(j) An order for the habitual truant's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the habitual truant, or both.

(5) *Penalty (dropout).* Any person who is deemed to be a "dropout" may be subject to the court suspending the person's operating privileges until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the department of transportation of the State of Wisconsin, together with a notice stating the reason for and the duration of the suspension.

(6) *Furnishing list of dropouts to municipal court.* The municipal court may order a school district to provide to the court a list of all persons who are known to the school district to be dropouts and who reside within the corporate boundaries of the City of Marshfield.

(7) *Penalty for parent, guardian or other adult.* Any parent, guardian or other adult who knowingly allows a child to absent himself or herself from attendance at school without an acceptable excuse shall be in violation of this section and may be subject to a forfeiture of not less than $50.00 nor more than $100.00 for the first offense, and not less than $50.00 nor more than $300.00 for any subsequent offense within a one-year period.

(Code 1982, § 9.19A)

Sec. 10-103. Harboring of minor runaways.

It shall be unlawful for any person to knowingly allow, assist, permit, or board any minor child at his or her residence, property, or place of business, or in any other manner whatsoever, where the person knows or should have known the child to be a runaway from his or her parent, guardian, or legal custodian. A runaway is any minor child away from home without permission from his or her parent or legal custodian.

(Code 1982, § 9.28)

Secs. 10-104—10-130. Reserved.

Article V. Streets and Sidewalks

Sec. 10-131. Obstructing streets and sidewalks prohibited.

(1) *Generally.* No person shall stand, sit, loaf, loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the city in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.

(2) *Obstruction of entryways by loitering.* No person shall loiter upon the public streets, private driveways or sidewalks or in adjacent doorways or entrances so as to obstruct the free entry of persons to the adjacent property, driveways, or other entrances to such property. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer.

(3) *Loitering in places of public assembly or use.* No person shall by loitering interfere with the free use of any place of public assembly or public use by others using such place of public assembly. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after a request to do so by a police officer or by the person in charge of the place of public assembly.

(4) *Loitering on private premises without invitation.* No person shall loiter on any private premises without invitation from the owner or occupant. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer or by the owner or occupant.

(Code 1982, § 9.05)

Sec. 10-132. Use of sidewalks.

(2) *Policy established.* The board of public works shall establish a policy governing temporary sidewalk closing. The city engineer shall administer the policy. No person shall close, block or cause to be blocked any sidewalk in the City of Marshfield with vehicles, equipment, material storage, dumpsters, excavation, scaffolding, or any other item without a permit from the city engineer.

(2) *Sale of merchandise on festival days.* Persons displaying or selling merchandise on city sidewalks shall be permitted only in compliance with the following:

(a) Such person displays or sells merchandise customarily sold by him or her on or from the sidewalk immediately adjacent to his or her regular place of business, or and with the consent of the owner or occupant of the business place adjacent to the sidewalk. Sales shall only be permitted on days specified and authorized by the chief of police or his designee.

(b) A clear space is provided for pedestrian travel of not less than one-half of the width of the sidewalk or a minimum of four feet, whichever is greater.

(c) The sidewalk shall be cleared of all merchandise, produce and other wares, and all paper and debris within one hour after the close of business on each day and left in a clean, sanitary condition, and such sidewalk shall be cleared entirely and left in a clean, sanitary condition within one hour after the close of business on the last day concerned. No merchandise, produce, other wares, paper or debris shall be swept, shoveled or dumped into the street.

(d) Such displays or sales shall be restricted as to the number of days in each year, designated by the department of public works, at the request of the mayor or the Marshfield Area Chamber of Commerce and Industry.

Sec. 10-133. Use of streets.

(1) *Parades.* The use of city streets for any parade or procession is prohibited unless a permit is issued by the chief of police or his designee.

(a) The application for the permit required by this subsection shall set forth the following information regarding the proposed parade:

1. The name, address and telephone number of the applicant.

2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

3. The name, address, driver's license number and telephone number of the person who will be responsible for conducting the parade.

4. The date and time when the parade will be conducted and its duration.

5. The assembly area, the starting point, the route to be traveled and the termination point.

6. The number and size of participants or units comprising the parade.

7. If the parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the police chief a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on such person's behalf.

8. Any additional information the police chief finds reasonably necessary for a fair determination as to whether a permit should be issued.

(b) *Grounds for discretionary denial.* The application for the permit required under this subsection may be denied if:

1. It is for a parade that is to be held on a workday during hours when and at places where, in addition to the proposed parade, the flow of vehicular traffic is usually delayed by its own volume;

2. It is for a parade that is to commence between the hours of 9:00 p.m. and 9:00 a.m.;

3. Sufficient supervision is not provided to reasonably ensure the orderly conduct of the parade;

4. The proposed route for conducting the parade involves a street or highway under construction or a detour route;

5. The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the city;

6. The parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property;

7. The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or

8. The parade is so poorly organized that participants are likely to engage in aggressive or destructive activity.

(c) *Mandatory denial.* The application for the permit required under this subsection shall be denied if:

1. It is a parade that is primarily for private or commercial economic gain;

2. It is for a parade that would involve violation of federal, state and local laws relating to use of highways or of other applicable regulation of the city;

3. The granting of the permit would conflict with another permit already granted or for which application is already pending;

4. More than one assembly area or more than one dispersal area is proposed; or

5. The applicant fails to receive the permit under § 84.07(4) Wis. Stats.

(d) *Actions for grant or denial of permit.* Actions for the grant or denial of the permit are the following:

1. The chief of police shall act as promptly to review every application for a permit required under this subsection, and may consult with other government agencies directly affected and with the applicant, if necessary. The chief of police shall, by the most reasonable means of communication, promptly notify the applicant of the chief's decision on the application and, if the application is denied, shall give the reasons for denial of the permit.

2. Modifications. In lieu of denying a permit, the chief of police may authorize the changing of assembly areas or dispersal areas or the conducting of the parade at a date or time or over a route different than applied for. The applicant may accept such modification by immediately notifying the chief of police in writing of such acceptance.

(e) *Littering or other acts prohibited.* No person taking part in any permitted parade shall throw or deposit upon any city street or sidewalk any objects or materials of any kind, or jump off of or onto any vehicle or other unit which is a part of the parade, procession or other similar use described in this section.

(2) *Other uses prohibited.* Except as provided in this section, no person shall park or allow to stand upon any of the public streets, alleys or public grounds within the city, except in market places, any wagon, automobile, truck, trailer or other vehicle for the purpose of selling or advertising or offering for sale therefrom any merchandise to consumers. This shall not apply to the vending of newspapers on city streets.

Sec. 10-134. Funeral processions.

No person shall use or occupy Central Avenue between Arnold Street and 7th Street for the purpose of having or conducting a funeral procession with the exception of a funeral procession originating from a church located on Central Avenue between Arnold Street and 7th Street, in which case the funeral procession will be permitted in the block in which the church is located.

Chapter 11

PUBLIC NUISANCE

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Sec. 11-01. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city.

(Code 1982, § 10.01)

Sec. 11-02. Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:

(a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

(b) In any way render the public insecure in life or in the use of property;

(c) Greatly offend the public morals or decency;

(d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

(Code 1982, § 10.02)

Sec. 11-03. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition of section 11-02 of this Code:

(1) *Unburied carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(2) *Breeding places for insects or vermin.* Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed.

(3) *Stagnant water.* All stagnant water in which mosquitoes, flies or other insects can multiply.

(4) *Privy vaults and garbage cans.* Privy vaults and garbage cans which are not flytight.

(5) *Pea or bean vines.* The deposit of any decomposing or decaying pea or bean vines or similar matter which gives off an offensive odor, upon any fields or other open lands within the city.

(6) *Water pollution.* The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(7) *Noxious odors, etc.* Any use of property, substances or things within the city emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city.

(8) *Street pollution.* Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the city.

(9) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the city or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the city.

(Code 1982, § 10.03)

Sec. 11-04. Public nuisances offending morals and decency.

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency; but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of section 11-02 of this Code:

(1) *Disorderly houses.* All disorderly houses, bawdy houses, houses of ill-fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) *Gambling devices.* All gambling devices and slot machines.

(3) *Unlicensed sale of liquor and beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the city.

(4) *Continuous violation of city ordinances.* Any place or premises within the city where city ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(5) *Illegal drinking.* Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws.

(6) *Nuisance-type business.* Nuisance-type business in accordance with the following:

(a) *Authority.* This subsection is enacted pursuant to § 66.0415 Wis. Stats.

(b) *Permit required.* No person shall conduct within or adjacent to the city any business which has a tendency to create a public nuisance, except upon permit issued by the council through the committee on health and subject to such conditions as it may impose.

(c) *Definition.* A "business which has a tendency to create a public nuisance" is one which, unless properly regulated, may create a public nuisance as defined in section 11-02 of this Code.

(Code 1982, § 10.04)

Sec. 11-05. Public Nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety; but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of section 11-02 of this Code:

(1) *Dangerous signs, billboards, etc.* All signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

(2) *Unauthorized traffic signs.* All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign or signal.

(3) *Fireworks.* All use or display of fireworks except as provided by state laws and city ordinances.

(4) *Low-hanging wires and cables.* All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

(5) *Noisy animals or fowl.* The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the city.

(6) *Obstructions of streets; excavations.* All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the streets, alleys, sidewalks or crosswalks, except as permitted by the ordinances of the city but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.

(7) *Unlawful assemblies.* Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(8) *Blighted buildings and premises.* Blighted buildings and premises as follows:

(a) Premises existing within the city which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management, or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences, and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the city.

(b) Elimination of blighted premises and prevention of blighted premises in the future is in the best interests of the citizens, and this shall be fostered and encouraged by this chapter. It is essential to the public interest that this chapter be liberally construed to accomplish the purposes of this subsection.

(Code 1982, § 10.05)

Sec. 11-06. Weed control.

(1) *Required.* The owner of any land within the city shall destroy all noxious weeds and keep mowed all grasses, as defined in subsection (2) of this section, which grow on owner’s property and on any terraces and ditches abutting such property.

(2) *Defined.* The term "noxious weed" or "weeds" as used in this section shall include the following: Canada thistle; leafy spurge; field bindweed (creeping jenny); Canada goldenrod (oldfield); better-ticks; burdocks; cattails; chickweed (common); cockleburs; cockle cows; fan weed; pennycress; fleabane; daisy; giant ragweed; lamb's quarters; milkweeds; Mullen; garlic mustard; common reed grass; honey suckle; crown vetch; common mustard; ball myrtle; stinging nettles; ox-eye daisy; pepper grass; field pigweed; poison ivy; common ragweed; sandburs; shepherd's purse; smartweeds (lady's thumb); annual spurges; sticktight; bull thistle; tumbleweed; witchgrass; yarrow; milfoil; quackgrass; snapdragon; toadflax; sour dock; yellow dock; wild barley; poison sumac; purple loosestrife; spotted knotweed; buckthorn; brush (woody stemmed plant); all other plants defined as noxious by the Wisconsin Department of Natural Resources; and all other grasses over four (4) inches in height for developed residential properties and over six (6) inches in height for undeveloped properties as further defined below.

(a) Vacant or undeveloped properties which abut developed residential properties on more than one side shall be kept mowed to a maximum of six (6) inches in height.
(b) Vacant or undeveloped properties which abut developed residential properties on only one side and undeveloped properties abutting non-residential developed properties shall be kept mowed to a maximum height of six (6) inches for no less than the first 50 feet along the side of the property abutting the developed property and along any opened street right-of-way. The grasses on the remaining undeveloped property may be allowed to grow to a maximum of twelve (12) inches, but all noxious weeds as defined above, must be kept destroyed at all times.

(3) *Posting of notice.* The weed commissioner shall annually, on or before May 15, publish at least once a week for two consecutive weeks, as a class II notice in the official newspaper, a notice that every person shall destroy noxious weeks as described in subsection (2) of this section.

(4) *Powers and duties of weed commissioner.* Powers and duties of the weed commissioner shall be as follows:

(a) *Destruction of weeds on public lands.* The weed commissioner and deputy weed commissioners shall have authority to destroy all noxious weeds on public lands.

(b) *Destruction of weeds on private land.* The weed commissioner and his deputies shall see that weeds which are not destroyed by the property owner on private lands are destroyed, by the most economical method. The weed commissioner shall present to the finance director his account therefor for billing. The costs of destroying such weeds shall be entered on the tax roll of the property owner for destroying the weeds, and such tax shall be collected as other taxes are if the account is not paid. In case of railroads or other lands not taxed in the usual way, the amount chargeable against the railroads or other lands shall be certified by the city clerk to the state treasurer.

(c) *Entry.* The weed commissioner and his deputies may enter upon any lands within the city for the purpose of cutting or otherwise destroying weeds without being liable to an action for trespass or damage resulting from such entry and destruction, if reasonable care is exercised in the performance of the duty.

(5) *Weed control penalty.* Penalties for violation of this section shall be as follows:

(a) If any property owner fails to destroy noxious weeds as required, after three days' written notice from the weed commissioner, the property owner, in addition to being charged with the cost of such destruction, shall also pay a forfeiture of an additional $75.00 for the first offense, and a forfeiture of $90.00 for a second or each subsequent offense. An administrative charge established by the Board of Public Works, adjusted not more often than annually, shall also be charged to the property owner.

(b) Property owners will receive a three-day written notice prior to being charged with a first offense under this section. No notice shall be required prior to charging additional offenses in the same calendar year.

(6) *Native Wisconsin prairie areas.* Prairie areas will be allowed and shall not be subject to section 11-06 of the Municipal Code if the areas meet and are maintained as per the following criteria:

(a) Native prairie seeding. All seed mixes shall comply with all Wisconsin law. All native seeds shall be certified to be of Wisconsin origin or of an origin within a two hundred fifty (250) mile radius of the seeding site. All seeds shall be guaranteed by the supplier to be true to name and species and (except for ReGreen) shall not be cultivated varieties.

(b) These prairie areas are to be kept free of all "noxious weed" or "weeds" as defined in section 11-06(2) at all times.

(c) If at anytime these prairie areas do not meet section 11-06(6)(b) they shall be subject to destruction by the weed commissioner as per section 11-06(4) and weed control penalty 11-06(5).

(Code 1982, § 10.06; Ord. No. 1023, § 1, 6-8-2004; Ord 1247, 4-23-2013)

Sec. 11-07. Dutch elm disease.

(1) *Public nuisance declared.* The council, having determined that the health of the elm trees within the city is threatened by a fatal disease known as Dutch elm disease, hereby declares Dutch elm disease to be a public nuisance to include without limitation:

(a) Any living or standing elm tree or part thereof infected with Dutch elm disease fungus or which harbors any of the elm bark beetles Scolytus multistriatus (Eichh) or Hylurgopinus rufipes (Marsh).

(b) Any dead elm tree or part thereof, including logs, branches, firewood, stumps or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

(c) Elm bark beetles Scolytus multistriatus (Eichh) or Hylurgopinus rufipes (Marsh).

(2) *Authority.* The director of public works and employees of the department of public works shall have the powers and perform the duties imposed by this section and by § 27.09Wis. Stats.

(3) *Inspections.* Inspections shall be conducted in accordance with the following:

(a) Upon report or complaint of the existence of Dutch elm infection, the department of public works shall inspect all premises and places within the city where such infection is reported to exist to determine whether any public nuisance exists thereon. The department shall also inspect any elm tree reported or suspected to be infected with Dutch elm disease or any elm bark bearing material reported or suspected to be infested with elm bark beetles.

(b) Whenever necessary to determine the existence of Dutch elm disease or elm bark beetles in any tree, the director of public works or employees of the department of public works shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and forward them to the state department of agriculture for analysis to determine the presence of such nuisances.

(c) The director of public works and employees of the department of public works may enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this section.

(4) *Abatement of Dutch elm disease.* Dutch elm disease shall be abated as follows:

(a) The director of public works shall order, direct, supervise and control the abatement of public nuisances by spraying, removing, burning or other means which he determines to be necessary to prevent as fully as possible the spread of Dutch elm disease fungus or the insect pests or vectors known to carry such disease fungus.

(b) Whenever the director of public works or employees of the department of public works determines that a public nuisance exists on public property in the city, he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus.

(c) When the director of public works determines with reasonable certainty that a public nuisance exists upon private premises, he shall immediately serve personally or by registered mail upon the owner of such property, if he can be found or upon the occupant thereof, a written notice of the existence of such nuisance, directing that the nuisance be abated within ten days after service of such notice. Such notice

shall describe the nuisance and recommend the procedure for its abatement and shall state that, unless the owner abates the nuisance as specified in the notice, the director will cause the abatement thereof at the expense of the property served. If the owner or occupant cannot be found, such notice shall be given by publication in a newspaper of general circulation in the city.

(5) *Spraying.* Spraying shall be in accordance with the following:

(a) Whenever the director of public works or employees of the department of public works determines that any elm tree or part thereof is infected with Dutch elm disease fungus or is in a weakened condition and harbors elm bark beetles, he may cause all elm trees within a 1,000-foot radius thereof to be sprayed with an effective elm bark beetle destroying concentrate.

(b) To facilitate the work and minimize the inconvenience to the public of any spraying operation conducted under this section, the director of public works shall cause to begiven advance public notice of such operation by newspaper, radio, television public service announcements or other effective means and shall cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least 24 hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on public streets, the director shall also notify the chief of police, who shall make and enforce such temporary parking and traffic regulations on such streets as conditions require. Temporary no parking notices shall be posted in each affected block of any street at least 24 hours in advance of spraying operations.

(c) If appropriate warning notices and temporary no parking notices have been given and posted in accordance with subsection (5)(b) of this section, the city shall not allow any claim for damages to any vehicle caused by such spraying operations.

(d) When trees on private property are to be sprayed, the director of public works shall notify the owner of such property and proceed in accordance with subsection (4)(c) of this section.

(6) *Special assessments for tree care and abatement.* Special assessments for tree care and abatement shall be made as follows:

(a) The cost of abatement of a public nuisance or spraying elm trees or elm wood at the direction of the director of public works, if the nuisance tree or wood is located in a public park or on other public grounds, shall be borne by the city.

(b) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises or in the public right-of-way, when done at the direction and under the supervision of the director of public works, shall be assessed to the property on which such nuisance tree or wood is located or which abuts on the public right-of-way in which such nuisance tree or wood is located, as follows:

1. The city clerk shall keep account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work charges, the description of lands to which they are chargeable and the names and addresses of the owners of such lands to the director of public works on or before October 15 of each year.

2. The city clerk shall mail notice of the amount of such final assessment to each owner of property assessed at his last known address, stating that, unless paid within 30 days of the date of the notice, such assessment shall bear interest at the rate of eight percent per annum and will be entered on the tax roll as a delinquent tax against the property; and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.

3. The city hereby declares that, in making assessments under this section, it is acting under its police power. No damages shall be awarded to any owner for the destruction of any diseased or infested elm tree or elm wood or part thereof.

(7) *Prohibited acts.* No person shall:

(a) Transport any bark-bearing elm wood, elm bark or elm material on public streets or highways or other public premises without first securing the written permission of the director of public works.

(b) Interfere with or prevent any act of the director or employees of the department of public works while they are engaged in the performance of duties imposed by this section.

(c) Refuse to permit the director or employees of the department of public works to enter upon his premises at reasonable times to exercise the duties imposed by this section.

(d) Permit any public nuisance to remain on any premises owned or controlled by him when ordered by the director of public works to abate such nuisance.

(Code 1982, § 10.07)

Sec. 11-08. Abatement of public nuisances.

(1) *Enforcement.* The chief of police, the fire chief, and the director of public works shall enforce those provisions of this chapter that come within the jurisdiction of their offices; and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

(2) *Summary abatement.* If the inspecting officer determines that a public nuisance exists within the city and that there is great and immediate danger to the public health, safety, peace, morals or decency, the mayor may direct the proper officer to cause the public nuisance to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(3) *Abatement after notice.* If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the nuisance within ten days. If such nuisance is not removed within ten days, the proper officer shall cause the nuisance to be removed as provided in subsection (2) of this section.

(4) *Other methods not excluded.* Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with the laws of the state.

(5) *Inspection warrants.* If consent to enter personal or real properties which are not public buildings, or to enter portions of public buildings which are not open to the public, for inspection purposes has been denied, the inspecting officer shall obtain a special inspection warrant under § 66.0119 Wis. Stats.

(Code 1982, § 10.10)

Sec. 11-09. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(Code 1982, § 10.11)

Sec. 11-10. Penalty.

Any person who shall violate any provision of this chapter, or any regulation, rule or order made under this chapter, or permit or cause a public nuisance shall be subject to a penalty as provided in section 1-05 of this Code.

(Code 1982, § 10.12)

Sec. 11-11. Smoking prohibited.

(1) *Definitions.* As used in this section:

Assisted living facility means a community based residential facility, as defined in Wis. State Sec. 50.01 (1g), a residential care apartment complex, as defined in s. 50.01(1d), or an adult family home, as defined in s. 50.01 (1) (b).

Child care center has the meaning given in s. 49.136 (1)(ad), Stats.

Correctional facility means any of the following:

1. A state prison, as defined or named in Wis. Stat. Section 302.01, except a correctional institution under s. 301.046 (1) or 301.048 (4) (b) if the insitution is the prisoners place of residence and no one is employed there to ensure the prisoners incarceration.

2. A juvenile detention facility, as defined in s. 938.02 (10r), or a juvenile correctional facility, as defined in s. 938.02 (10p), except a juvenile correctional facility authorized under s. 938.533(3)

3. (b), 938.538 (4)(b), or 938.539 (5) if the facility is a private residence in which the juvenile is placed and no one is employed there to ensure that the juvenile remains in custody.

4. A jail, as defined in s. 165.85 (2) (bg), a Huber facility under s. 303.09, a work camp under s. 303.10, a reforestation camp under s. 303.07, or a lockup facility under s. 302.30.

Educational facility means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

Notwithstanding Wis. Stat. Sec. 101.01 (5), "employment" means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged.

Enclosed place means a structure of area that has a roof and more than two substantial walls.

Inpatient health care facility means a hospital, as defined in Wis. Stat. Sec. 50.33(2), a county home established under s. 49.70, a county infirmary established under s. 49.72, a nursing home, as defined in s. 50.01(3), a hospice, as defined in s. 50.90 (1), a Wisconsin veterans home under s. 45.50, or a treatment facility.

Lodging establishment means any of the following:

(a) A bed and breakfast establishment, as defined in s. 254.61 (1) Stats.;

(b) A hotel, as defined in s. 254.61 (3) Stats.;

(c) A tourist rooming house, as defined in s. 254.61 (6) Stats.

Person in charge means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.

Place of employment means any enclosed place that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria. notwithstanding s. 101.01 (11), Stats.

Private club means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.

Public conveyance means a mass transit vehicle as defined in Wis. Stat. Sec. 340.01 (28m), a school bus as defined in s. 340.01 (56), or any other device by which persons are transported, for hire, on a highway or by rail, water, air, or guidewire within this state, but does not include such a device while providing transportation in interstate commerce.

Public place means any enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

Restaurant means an establishment as defined in s. 254.61 (5), Stats.

Retail establishment means any store or shop in which retail sales is the principal business conducted.

Retail tobacco store means a retail establishment that does not have a Class B intoxicating liquor license or a Class B fermented malt beverages license and that generates 75 percent or more of its gross annual income from the retail sale of tobacco products and accessories.

Smoking means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:

1. A lighted cigar.

2. A lighted cigarette.

3. A lighted pipe.

4. Any other lighted smoking equipment.

Sports arena means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

State institution means a mental health institute as defined in s. 51.01 (12), Stats. or a center for the developmentally disabled as defined in s. 51.01 (3), Stats. or a secure mental health facility as which persons are committed under s. 980.06, Stats.

Substantial wall means a wall with no opening or with an opening that either does not allow air in from the outside or is less than 25 percent of the walls surface area.

Tavern means an establishment, other than a restaurant, that holds a “Class B” intoxicating liquor license or Class “B” fermented malt beverages license.

Tabacco bar means a tavern that generate 15 percent or more of its annual gross income from the sale on the tavern premises, other than from a vending machine, of cigars and tobacco for pipes.

Tabacco product means any form of tobacco prepared in a manner suitable for smoking but not including a cigarette.

Treatment facility means a publicly or privately operated inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons.

Type 1 juvenile correctional facility has the meaning given in s. 938.02 (19).

(2) PROHIBITION AGAINST SMOKING.

(a) Except as provided in subsection (4), no person may smoke in any of the following enclosed places:

1. Educational facilities.
2. Residence halls or dormitories owend or operated by a college or university.
3. Child care centers.
4. Inpatient health care facilities.
5. Theaters.
6. Correctional facilities.
7. State institutions.
8. Restaurants
9. Taverns
10. Private clubs
11. Retail establishments
12. Common areas of multiple-unit residential properties.
13. Lodging establishments
14. State,county, city village, or town buildings
15. All enclosed places, other than the places listed above, that are places of employment or that are public places.

(b) No person may smoke at any of the following outdoor locations.

1. Anywhere on the premises of a child care center when children who are receiving child care services are present.
2. Anywhere on the grounds of a Type 1 juvenile correctional facility.
3. A location that is 35 feet or less from a residence hall or dormitory that is owned or oeprated by the Board of Regents of the University of Wisconsin System.

(c) No person may smoke in any of the followings:

1. A sports arena.

2. A bus shelter.

3. A public conveyance.

(3) RESPONSIBILITY OF PERSONS IN CHARGE.

(a) No person in charge may allow any person to smoke in violation of subsection (2) at a location that is under the control or direction of the person in charge.

(b) A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.

(c) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

2. Refusing to serve a person, if the person is smoking in a restaurant or tavern or private club.

3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

(d) If a person refuses to leave a location after being requested to do so as provided in par. (c) 3., the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

(e) A person in charge may take measures in addition to those listed in par. (b) and (c) to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

(4) Exceptions.

(a) The prohibition against smoking in subsection (2) does not apply to the following places:

1. A private residence.

2. A room used by only one person in an assisted living facility as his or her residence.

3. A room in an assisted living facility in which 2 or more persons reside if every person that lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

4. A retail tobacoo store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.

5. A tobacco bar that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.

(5) Penalties.

(a) Any person who violates subsection (2) shall be subject to a forfeit not less than $100 and not more than $250 per violation.

(b) Except as provided in par. (c) or (d), any person in charge who violates subsection (3) shall be subject to a forfeiture of $100 for each violation.

(c) For violations subject to the forfeiture under par. (b), if the person in charge has not previously received a warning notice for a violation of subsection (3), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.

(d) No person in charge may be required under par. (b) to forfeit more than $100 in total for all violations of subsection (3) occurring on a single day.

(6) *Injunction.* Notwithstanding s. 165.50, Stats., state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this section.

(7) All references to the Wisconsin statutes set forth herein shall include all acts amendatory thereof and supplementary thereto.

(Ord. No. 1108, § 1, 4-8-2008)

Sec. 11-12. Use and Sale of Fertilizer

(1) PURPOSE

(a) The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of the City of Marshfield by regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer, to prevent or limit contamination of the City's natural groundwater system. The objectives of this Section are:

(i) To regulate the sale of fertilizers containing phosphorus

(ii) To regulate the application of fertilizers containing phosphorus

(2) DEFINITIONS. For the purpose of this Section, the following definitions shall apply:

(a) "Agricultural Land Uses" means alterations or disturbances of land for the production of food and fiber including, but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry production and wild crop harvesting.

(b) "City" means the City of Marshfield.

(c) "Fertilizer" has the meaning set forth in §94.64(1)(e), Wis. Stats. By definition, "fertilizer" includes "lawn fertilizer."

(d) "Garden" means an area of exposed or partially exposed soils in which vegetables or flowers are grown.

(e) "Lawn" means an area of natural or hybrid grass or similar turfs of ground cover customarily associated with and maintained in connection with homes, athletic fields, parks, cemeteries and other open space, in an urban or suburban environment, but not as an agricultural crop.

(f) "Lawn Fertilizer" means any Fertilizer, applied by property owner, renter, or commercial entity, for other than Agricultural Land Uses, such as for lawns, golf courses, parks and cemeteries. Lawn Fertilizer does not include fertilizer products intended primarily for Garden and indoor plant application.

(3) USE AND APPLICATION OF LAWN FERTILIZER

(a) Effective January 1, 2009, no person shall apply any Lawn Fertilizer within the City that is labeled as containing more than 0% phosphorus and other compound containing phosphorus, such as phosphate, except as provided in Subsection (4) below.

(b) Effective January 1, 2009, no Lawn Fertilizer shall be applied when the ground is frozen.

(c) Effective January 1, 2009, no person shall apply Fertilizer to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the Fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

(4) EXEMPTIONS. The prohibition against the use of Fertilizer and Lawn Fertilizer under §(3) above, shall not apply to:

(a) Newly established turf or Lawn areas during their first growing season.

(b) Lawn areas that soil tests, performed within the past three years by a state of WI certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. The Lawn Fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.

(c) Agricultural Land Uses, Gardens, or application to trees or shrubs.

(d) Yard waste compost, biosolids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

(5) SALE OF FERTILIZER CONTAINING PHOSPHORUS

(a) Effective January 1, 2009, no person shall sell or offer for sale any Lawn Fertilizer within the City that is labeled as containing more than 0% phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use as provided in Subsection (4) above.

(b) Effective January 1, 2009, no person shall display Lawn Fertilizer containing phosphorus. Signs may be posted advising customers that Lawn Fertilizer containing phosphorus is available upon request for uses permitted by Subsection (4) above.

(c) Effective January 1, 2009, a sign devised by the City identifying the effects of phosphorus on the region's waters and notifying the public of the limitations that take effect January 1, 2009 on the use and sale of phosphorus based fertilizers must be prominently displayed where Lawn Fertilizers are sold.

(6) PENALTY. Any person who violates this Section in the application of Fertilizer at his or her residence and any commercial Fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates this Section shall be subject to a forfeiture of $75 for the first violation within a twelve month period, and $150 for the second and each subsequent violation within a twelve month period.

Chapter 19

SUBDIVISION AND PLATTING

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Article I. In General

Sec. 19-01. Purpose, jurisdiction and compliance.

(1) The purpose of the regulations in this chapter is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the city in order to promote the public health, safety and general welfare of the community. The regulations are designed to lessen congestion on the streets and highways; to further the orderly layout and use of land; to ensure proper legal description and proper monumenting of subdivided lands; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of the population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements. This chapter is formulated to facilitate enforcement of development standards as outlined in the building code, zoning code, the Comprehensive Plan and official map of the city and the implementation of guide plans approved by the city.

(2) The jurisdictional limits of this chapter shall be to all lands within the corporate limits of the city and all unincorporated areas within three miles of its corporate limits. Less strict standards may apply in areas where the City does not have zoning authority as determined by the City Engineer.

(3) No person shall divide any land located within the jurisdictional limits of this chapter which results in a major subdivision, minor subdivision or replat as defined in this chapter, and no such major subdivision, minor subdivision or replat shall be entitled to be recorded without full compliance with all the requirements of this chapter and ch. 236 Wis. Stats.

(4) The provisions of this chapter for minor subdivisions shall not apply to:

(a) Transfer of interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed ten (10) years, mortgages or easements.

(c) Sale or exchange of parcels of land between owners of adjoining properties if additional lots are not thereby created, and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances, except that a lot line adjustment survey must be approved and recorded for such exchanges for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the mimimum sizes required by law.

(Code 1982, § 18.01; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-02. Definitions.

For the purpose of this chapter certain words and phrases used in this chapter are defined as follows:

(1) *Alley* means a public or private right-of-way shown on a plat, which provides secondary access to a lot, block or parcel of land.

(2) *Arterial Street* means a major and minor street which provides for the movement of relatively heavy traffic to, from or within the City. It has a secondary function of providing access to abutting land and to collector and minor streets.

(3) *Bike route* means any portion of a roadway or trail specifically designated for use by bicycles.

(4) *Block* means an area of land within a subdivision that is entirely bounded by a combination of streets, exterior boundary lines of the subdivision and streams or water bodies.

(5) *Boundary street* means a street which is dedicated as part of a plat or map and the remainder of the right-of-way is outside the subject plat or map.

(6) *Buildable Area* means the available space on a parcel that is suitable for the development of structures and does not include floodplains, wetlands, slopes equal to, or greater than, twenty-five percent (25%), and setbacks.

(7) *Building Line or Building Setback Line* means a line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the City of Marshfield Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.

(8) *Collector street* means a street which carries traffic from local streets to the system of major and minor arterials and includes the principal entrance streets to residential developments and streets for circulation within such developments.

(9) *Comprehensive Plan* means the long-range master plan for the desirable use and development of land in the City as officially adopted and as amended from time to time by the Plan Commission and approved by to the Common Council.

(10) *Concept Plan* means a preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.

(11) *Cul-de-sac street* means a local street with only one outlet which terminates in a turnaround for the reversal of traffic.

(12) *Dead-end street* means a street that has only one end with access to a street system opened to traffic and does not have a turnaround.

(13) *Dedications* means a conveyance of private property for a public use.

(14) *Development* means any subdivision of land; any consolidation or accumulation of tracts of land; any material change in the use or appearance of any lot of land; any activity that affects lot lines, easement locations, number of lots, setback, locations of structures, dedications of streets or utilities; or the act of building buildings, structures or improvements on, in, under or over land.

(15) *Development Review Team* means a partnership amongst the City departments: Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, Fire Department, and such other departments as determined by the Planning and Economic Development Department to meet with developers of proposed large scale development and serve as the basis for discussions between the developer, the Planning Department, and other City representatives for the purpose of an orderly and efficient review of the proposed plans.

(16) *Director* means the director of regional planning and community assistance, Wisconsin Department of Administration, or such other official as may be delegated by law to approve plats at the state level.

(17) *Division of Land* means splitting of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development.

(18) *Drainageway* means an open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry stormwater.

(19) *Easement* means granting a legal right for the specific use of land owned by others.

(20) *Extraterritorial plat approval jurisdiction* means the unincorporated area within three miles of the corporate limits of the city.

(21) *Final Plat* means the final drawing of the subdivision and dedication prepared for filing for record with the county register of deeds and containing all elements and requirements set forth in this chapter.

(22) *Flag lot* means a lot lacking the requisite minimum lot width or frontage on an existing or proposed street, having direct access to the street through a narrow leg or land where access to a road is provided along the long, narrow "flag pole" and the usable land itself is the rectangular flag at the end of the pole.

(23) *Floodplain* means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

(24) *Frontage street* means a street which is parallel with and adjacent to a primary arterial street and which provides access to abutting properties and protection from through traffic.

(25) *Greenway* means a parcel of land containing a natural waterway or drainageway intended to be used in whole or in part for open space, surface drainage, parks, recreation, utilities, streets or any other purpose deemed by the city to be for the public good or welfare.

(26) *Holding tank* means an approved watertight receptacle for the retention of raw sewage.

(27) *Landing* means a platform adjacent to a doorway or entrance of a structure that if placed within any required yard setback, cannot exceed a five (5) foot by five (5) foot dimension.

(28) *Local street* means a street which is used primarily for access to abutting properties.

(29) *Lot* means a parcel of land having frontage on a public street occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

(30) *Lot Line Adjustment* means an adjustment or relocation of property line(s) between adjacent lots or a combination of one or more lots that does not result in the creation of additional lots and where the existing lot is not reduced in size below standards identified in the zoning ordinance or below minimum lot design standards of this chapter.

(31) *Lot Line Adjustment Survey* means a plat of survey prepared by a registered land surveyor to accomplish the alteration of existing property boundaries.

(32) *Map* means a visual representation illustrating the spatial relationship of a given area.

(33) *Official Map* meaning a map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Common Council pursuant to ch. 62, Wis. Stats.

(34) *Outlot* means a parcel of land, other than a lot, so designated on a plat or certified survey map and does not meet the requirements of a lot, which is not intended for building or structure development in the proposed land division.

(35) *Parcel* means any area of land as shown on the last assessor's roll of the county or the records of the City.

(36) *Partial street* means a street in a subdivision in which part of the right-of-way is within the subdivision but the rest of the right-of-way is not dedicated to the public.

(37) *Plat* means the drawing required for a major subdivision.

(38) *Preliminary Plat* means a drawing with supporting data, indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Plan and these regulations along with required supporting data.

(39) *Protective Covenants* means contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development.

(40) *Public Improvement* means any sanitary sewer, water mains, storm sewer, streets, sidewalks, signage, pedestrian and bicycle trails, television cable lines, and utilities, including streetlights, gas, electrical power and telephone facilities.

(41) *Replat* means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of such block, lot or outlot is not a replat.

(42) *Right-of-Way* means property dedicated to the public for specific uses.

(43) *Roadway* means that portion of the street which is used for vehicular traffic.

(44) *Setback* means the minimum horizontal distance between the face edge of a building wall or structure, excluding steps and landings, and the property line in the same yard.

(45) *Street* means a right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however other-wise designated and includes all of the area between the roadway or right-of-way lines

(46) *Structure* means any man-made object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground.

(47) *Subdivider* means any person, or any agent thereof, dividing or proposing to divide land resulting in a subdivision.

(48) *Subdivision*, when used alone, shall include both major and minor subdivisions.

(49) *Subdivision, major*, means the division of a lot, parcel or tract of land by the owner or his agent for the purpose of sale or of building development, where

a. The act of division creates five (5) or more parcels or building sites of one and one-half (1½) acres each or less in area; or

b. The act of division creates five (5) or more parcels or building sites of one and one-half (1½) acres each or less in area within a period of five years.

(50) *Subdivision, minor*, means the division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development where the act of division creates not more than four parcels or building sites, inclusive of the remaining parcel. This may include a block, lot or outlot in a recorded plat if the exterior boundaries of such block, lot or outlot are not changed. Parcels of property within a subdivision boundary being created by bisecting proposed or existing public streets may be shown as lots or outlots. These lots or outlots can be platted by means of a certified survey map if not more than four lots or outlots are created. The outlots may be further subdivided by means of a certified survey map if no more than four lots are created within an outlot. Outlots cannot be used for development purposes until platted by means of a major or minor subdivision as defined in this section.

(51) *Subdivision, Large Lot,* means the division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building rural development where the act of division creates parcels or building sites exceeding one and one-half (1 ½) acres in size.

(52) *Trail* means a multimodal route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic and built to City design standards.

(53) *Wetlands* mean an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(Code 1982, § 18.02; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-03. General provisions.

(1) *Subdivisions.* General provisions for subdivisions shall be as follows:

(a) A major subdivision shall be accomplished by means of a plat in accordance with ch. 236 Wis. Stats. and this chapter.

(b) A minor subdivision shall be accomplished by means of a certified survey map in accordance with ch. 236 Wis. Stats. and this chapter.

(c) For both major and minor subdivisions, lot sizes shall conform to the area and width requirements of the City Zoning Code within the corporate limits of the City or to any ordinance of the town or county in the extraterritorial plat approval jurisdiction.

(d) All major and minor subdivisions within the corporate limits or within the extraterritorial plat approval jurisdiction of the city, as defined in section 19-02, created under the procedures under subsections 19-61 (2) and (3), must be filed for approval of the City Plan Commission in accordance with procedures established in this chapter unless approved under the provisions of subsection 19-61 (4).

(2) *Replat.* Where it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries, the subdivider shall vacate or alter the recorded plat as provided in ch. 236 Wis. Stats. The subdivider shall then follow the same procedure for the replat as for an original plat as required by this chapter.

(3) *Land suitability.* Where a proposed subdivision contains land deemed by the City Plan Commission to be unsuitable for development because of poor drainage, flood conditions, soil conditions, subsurface conditions, topography or any other feature, approval shall be withheld. Conditional approval of the preliminary plat shall be granted if the subdivider shall, at his own expense, prepare and submit to the commission engineering plans designed to correct the adverse condition and carry out the plans or provide a performance bond to ensure that the plans will be completed prior to approval of the final plat.

(4) *Requirements.* The proposed subdivision shall conform to:

(a) The provisions of ch. 236 Wis. Stats.

(b) All applicable ordinances of the city, town or county in which it is located.

(c) The Comprehensive Plan and official map or any portion thereof.

(d) The rules of the Department of Health Services relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made.

(e) The rules of the Wisconsin Department of Transportation, relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street. State highways that are all numbered highways including interstate, state and federal highways must follow Trans 233.

(f) A map or plat of such division shall be recorded with the county Register of Deeds. The final plat may be recorded in whole or in separate parts at different times.

(g) Plats must be recorded within twelve (12) months after the last approval and within thirty-six (36) months after the first approval.

(5) *Required dedications.* Wherever a subdivision embraces any part of a street or greenway designated in the official map, such part of such proposed street or greenway shall be included in the subdivision or map in the location and at the width indicated. Such streets or greenways shall be dedicated to the city. All other streets not designated in the official map shall be platted in accordance with section 19-64 of this chapter, design standards, and the full width indicated on the plat shall be dedicated to the city when within the corporate limits or to the proper governmental unit when outside of the corporate limits. Wis Stat. § 236.13(2)(b).

(6) *Withholding of approval.* The plan commission shall withhold approval of a subdivision within the corporate limits of the city if sanitary sewer facilities are not available and are not anticipated to be available within one year unless the subdivider provides holding tank agreements satisfactory to the board of public works.

(7) *Lot Line Adjustment Survey*. A Lot Line Adjustment Survey prepared by a registered land surveyor shall be required to accomplish the alteration of existing lots which does not result in the creation of additional lots, from what was originally platted or mapped. The petitioner shall follow the procedures for lot line adjustment surveys as outlined in this chapter.

(8) *Extraterritorial Plat Approval Jurisdiction.* Jurisdiction of these regulations shall include all lands within the corporate limits of the City as well as the unincorporated area within the extraterritorial jurisdiction of the City of Marshfield. The City of Marshfield has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in chs. 236 and 66.32 of Wis. Stats. The Extraterritorial Plat Approval Jurisdiction area includes the following areas and regulations:

(a) *Intergovernmental agreement areas.* Areas in which the City of Marshfield has developed a cooperative agreement that relates to land use activities including annexations, boundary agreements, subdivisions, and zoning, with an adjacent municipality.

(b) *3 Mile Extra-Territorial Review Area.* Areas in which the City of Marshfield has the authority by statute to review plats. Areas within the three mile review area and beyond sewer service areas, intergovernmental agreement areas, or the one mile area are generally low density. Uses that would require sanitary sewer and water service extensions are not permitted.

(c) *1 Mile Priority Plat Review Area.* All areas within one mile of the City boundary, not including lands under an intergovernmental agreement. Scattered rural development patterns are not encouraged in this area. Sanitary sewer and water services cannot be provided until the area is annexed.

(9) The City may not review a plat or CSM within the extraterritorial plat approval jurisdiction, based upon the lands proposed use, unless approval/denial is based upon a plan or regulation adopted under s. 62.23 (7a)(c) Wis. Stats.

(Code 1982, § 18.03(1); Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-04. Numbering of houses and buildings.

All houses and buildings in the city shall be numbered in accordance with the provisions of this section.

(1) *Administration.* The City Engineer or designee shall be responsible for the preparation and maintenance of house numbering maps, the assigning of numbers to individual lots or parcels of land and the distribution of such numbers.

(2) *Baselines established.* The following baselines are established:

(a) Central Avenue shall constitute the baseline for all streets running in an easterly and westerly direction.

(b) The main line of the Canadian National Rail Road from the east City Limits to Oak Avenue and the Wildwood Station bike trail from Oak Avenue to Lincoln Avenue thereof shall constitute the baseline for all streets running in a northerly and southerly direction.

(3) *Numbering system.* The numbering system shall be as follows:

(a) The numbering for each street shall begin from the baseline. The numbers in the first block shall be from one (1) to ninety-nine (99) and the numbers in each succeeding block shall increase in units of 100. Where blocks are longer than normal or where unusual conditions exist, the numbering shall be arranged in units that will provide logical succession and the same block number approaching an intersecting street as prevails in all other locations at that street.

(b) There shall be a number for every eleven (11) feet of land fronting on Central Avenue between the baseline and Ninth Street. On the balance of Central Avenue and on all other streets there shall be a number for every forty-four (44) feet of land fronting the street or for every lot where it can be definitely determined that there will be not more than one (1) building per lot.

(c) The north and east sides of streets shall be numbered with odd numbers and the south and west sides of streets shall be numbered with even numbers.

(4) *Specifications.* Specifications for numbers shall be as follows:

(a) The numbers shall be black on white or other color contrasting combinations which can easily be read from the street. The numbers shall be a minimum height of two and onehalf (2 1/2) inches. Roman numerals and script are not acceptable.

(b) A number shall be placed on every house and building in the city, except that numbers need not be displayed on accessory buildings which do not front upon public streets. An accessory building is defined in section 18-02 of this Code of the City of Marshfield.

(c) The number shall be placed immediately above or at the side of the main door of the building facing the street upon which it fronts. If the number is not readily visible from the street in this location then it shall be placed in such a location that it is readily visible.

(d) If no part of the building is visible from the street or if the building is more than seventy-five (75) feet back from the lot line, then the number shall be placed on a gatepost, fence, post or other appropriate place near the street line that can be easily seen from the street.

(e) In the case of new buildings, the number, together with the building permit, shall be placed on a temporary post or tree in front of the construction where it is visible from the street. When the building is completed, the number shall be moved to the permanent location specified in this subsection.

(5) *Numbers required.* Numbers shall be required as follows: No permit for the construction of a building shall be issued until an address number has been assigned. No permit for the repair or alteration of a building shall be issued unless the proper number is affixed to the building in accordance with this section.

(6) *Sale of standard numbers.* The Building Services Division of the Department of Public Works shall maintain a supply of house numbers and frames in its office. They shall be available for sale during regular office hours at actual cost of the materials plus an administrative charge.

(7) *Violation and penalty.* The Building Services Supervisor shall serve by mail a notice upon the owner or occupant of any building which is found not to comply with this section. If after thirty (30) days from the receipt of this notice the building still does not comply, the owner or occupant shall be subject to the penalty provisions in section 1-05 of this Code.

(Code 1982, § 14.17; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-05. Penalties and remedies.

Any person who shall violate any provision of this chapter or any regulation, rule or order made under this chapter shall be subject to a penalty as provided in Subchapter IV of ch. 236 Wis. Stats. Any person in violation of any provision of this chapter not stated in Subchapter IV of ch. 236 Wis. Stats. shall be subject to the provision of section 1-05 of this Code.

(Code 1982, § 18.03(7); Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-06. Fees

Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

(Ord. No. 1324, 12/8/15)

Secs. 19-7—19-30. Reserved.

Article II. Administration

Sec. 19-31. Variances.

(1) For property within the City Limits where the plan commission finds that extraordinary hardships or particular difficulties may result from strict compliance with this chapter, it may recommend variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this chapter; and further provided that the plan commission shall not recommend variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that all three of the following criteria are met:

(e) *Unnecessary Hardship*. That an unnecessary hardship exists if the property owner shows that they have no reasonable use of the property without a use variance or when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome without an area variance;

(f) *Unique Property Limitations.* That the need for a variance is due to unique physical limitations of the property, such as steep slopes or wetlands, that prevent compliance with the ordinance; and

(g) *No Harm to Public Interests.* That granting of the variance will not result in harm to the public interests and will not materially impair the general purposes of this chapter as well as the general purpose of a specific zoning provision.

(2) When in the judgment of the Plan Commission, or City Engineer for minor subdivision, it would be inappropriate to apply literally a provision of this chapter because the subdivision is located outside the corporate limits within the extraterritorial plat review area, it may waive such provision or vary it in the manner that would best serve the public interest.

(Code 1982, § 18.08; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-32. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wis. Stats.

(Code 1982, § 18.09; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-33. Rules and regulations of the plan commission.

The City Plan Commission may, at its discretion, adopt rules and regulations to facilitate the orderly and efficient conduct of the procedures outlined in this chapter.

(Code 1982, § 18.10; Ord. No. 1190, § 2, 12-14-2010)

Secs. 19-34—19-60. Reserved.

Article III. Plat Approval

Sec. 19-61. Procedure

In planning and developing a subdivision within the city or the extraterritorial plat approval jurisdiction, the subdivider or his agent shall in every case follow the procedure outlined below:

(1) Concept Plan Conference.

(a) Before submitting a preliminary plat or map, the developer may request a Concept Plan Conference with appropriate City Staff that may include the Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, the Marshfield Fire Department, and such other departments as determined by the Planning and Economic Development Department.

(b) To request a Concept Plan Conference, the developer shall submit an application and Concept Plan for the proposed subdivision five (5) days prior to the requested meeting date.

(2) Preliminary plat or map procedure. Before submitting a final plat or map for approval, the subdivider shall prepare a preliminary plat or map. The preliminary plat or map shall be prepared in accordance with this chapter and one (1) large 22" x 30" or larger copy along with an electronic copy in PDF format shall be submitted to the Planning and Economic Development Department least twenty-five (25) days prior to the meeting of the plan commission at which action is desired.

(a) Upon submittal of the preliminary plat, the subdivider shall be responsible for forwarding the original plat to the director in accordance with § 236.12(6)Wis. Stats.

(b) Public hearing & notification. Before taking action on a preliminary plat, the Plan Commission shall hold a public hearing following the guidelines of at least a Class I notice. Notice of the proposed plat and of the scheduled hearing shall be sent by regular mail at least ten (10) days before the date of such hearing to the owners of record of all properties located within 200 feet of the exterior boundaries of the proposed plat.

(c) When the City determines to approve a plat within the City, it shall give at least 10 days' prior written notice of its intention to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat but failure to give such notice shall not invalidate any such plat.

(d) *Staff review.* Prior to the public hearing, City staff shall review the preliminary plat for conformance with the municipal code. The Development Review Team may review the preliminary plat and may include the following departments: Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, and such other departments as determined by the Planning and Economic Development Department.

(e) The Plan Commission shall within ninety (90) days of the filing of the plat or map approve, approve conditionally or reject the plat or map, following review of the preliminary plat or map and other materials submitted, for conformity with all ordinances, administrative rules and regulations. The plan commission may negotiate with the subdivider regarding changes deemed advisable, and the kind and extent of changes which will be required. Failure of the Plan Commission to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat.

(f) The action of the Plan Commission shall be noted on two (2) copies of the preliminary plat or map; one copy will be returned to the subdivider with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions or reasons therefore in writing. The second copy shall be filed with the secretary of the commission.

(g) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within thirty-six (36) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in § 236.11(1)(b) Wis. Stats. the final plat shall be entitled to approval with respect to such layout.

(3) Final plat or map procedure.

(a) The final plat or map, a written application for approval and such copies thereof as shall be required, shall be submitted to the Planning and Economic Development Department within thirty-six (36) months of approval of the preliminary plat or map and at least two (2) weeks prior to the meeting of the Plan Commission at which action is desired. However, if approval of the plat or map must be obtained from another approving authority subsequent to approval by the Plan Commission, the final plat or map shall be submitted within thirty-six (36) months of such approval. The Plan Commission may grant an extension within the thirty-six (36) month time period in either case.

(b) The Planning and Economic Development Department shall forward the final plat or map to the Plan Commission for its recommendation. The Plan Commission shall refer the final plat or map to the council within six (6) weeks of its submission. The Council shall approve or reject the final plat within sixty (60) days of its submission to the Planning and Economic Development Department unless extended by agreement with the subdivider. When the City determines to approve a plat, it shall give at least ten (10) days' prior written notice of its intention to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat but failure to give such notice shall not invalidate any such plat.

(c) If the preliminary plat has not been submitted, the subdivider shall be responsible for forwarding the original plat to the director in accordance with § 236.12(6)Wis. Stats. The Council shall not act on a plat after referral by the Plan Commission until the plat has been approved by the director. The Council shall approve or reject the plat within sixty (60) days of submission of the plat, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Council meeting and a copy forwarded to the subdivider. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time of submittal, except that a final plat that is only a portion of an approved preliminary plat may be submitted without the permission of the approving authority and is entitled to approval if the preliminary plat identifies phases of the development and the portion of the final plat being submitted substantially conforms to the preliminary plat or portion of the preliminary plat as approved. If the City fails to act within sixty (60) days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, that plat shall be deemed approved.

(d) Two (2) 22" x 30" true copies and a digital copy of the approved final plat or map in MicroStation format or equal in Wisconsin's Wood County Coordinate System shall be filed with the City Clerk. Such copies shall contain any changes or modifications as a result of action of the Plan Commission or director. (Digital version shall be submitted in Wisconsin's Wood County Coordinate System and in a format that can be precisely converted to MicroStation DGN format. This digital version shall be supplied to the City Engineer.)

(e) The City Engineer shall determine if a final plat "substantially conforms" to the preliminary plat. This determination shall be given to the Common Council along with a recommendation for approval/denial of the final plat. The conclusion and recommendation are not required to be in writing, but shall be made part of the public record at the proceeding which the final plat is being considered.

(f) The council shall approve the final plat or map if all of the applicable provisions of this chapter and ch. 236 Wis. Stats. are complied with.

(4) Alternate procedure for certain minor subdivisions. Where a proposed division of land does not require any of the improvements listed in section 19-63 of this chapter but does comply with all of the other applicable provisions of this chapter, the subdivider may substitute the following procedure for the provisions of subsections (1) and (2) of this section:

(a) The subdivider shall submit a map of the proposed minor subdivision to the City Engineer for approval.

(b) If the City Engineer determines that the proposed subdivision does not require any of the improvements listed in section 19-63 of this chapter and complies with the other provisions of this chapter, he shall issue his written approval on the map prior to recording in the office of the register of deeds.

(5) Basis for approval.

(a) Approval of the preliminary or final plat shall be conditioned upon compliance with:

1. The provisions of this chapter;

2. Chapters 18, 20, 26, and 30 of the City of Marshfield Municipal Code;

3. The Comprehensive Plan under s. 66.1001 Wis. Stats.;

4. The rules of the Department of Commerce relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by public sewer, where provisions for public sewer service has not been made;

5. The rules of the Department of Transportation relating to the provisions for the safety of entrance upon and departure from the abutting state trunk highways of connecting highways and for the preservation of the public interest and investment in such highways.

(b) The City shall not condition approval upon compliance with, or base an objection upon, any requirements other than those in this chapter. Not withstanding sub. (a)(2) the City and a subdivider may agree to waive or vary requirements under an ordinance specified in sub. (a)

(c) (2). Any such agreement shall be entered into freely and voluntarily. The City and subdivider may also agree as to the application of the ordinances enacted by the City after the subdivider has submitted a preliminary plat, or final plat if no preliminary plat is submitted.

(Code 1982, § 18.04; Ord. No. 1084, § 1, 10-10-2006; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-62. Plat or map requirements.

(1) *Preliminary plat or map.* The preliminary plat or map shall be based upon a survey by a registered land surveyor and the plat or map prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to one inch, shall reflect compliance with the design requirements of section 19-64, and shall show correctly on its face:

(a) Date, scale and north arrow.

(b) The title of the proposed subdivision which shall not duplicate the name of any plat previously recorded in Wood or Marathon County.

(c) The names and addresses of the owner, the subdivider and the surveyor preparing the plat. Location of the subdivision by government lot, quarter section, section, township, range and county.

(d) Location of the subdivision by government lot, quarter section, section, township, range and county.

(e) A vicinity map of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.

(f) The exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed. Coordinates for all points set shall be referenced to Wisconsin's Wood County Coordinate System.

(g) Locations and names of adjacent subdivisions within 200 feet and the owners of adjoining parcels of unsubdivided land as well as any previously recorded CSM's.

(h) Locations, widths and names of all existing and proposed platted streets, alleys or other public ways and easements, railroad and utility rights-of-way.

(i) Designate buildable areas, including setbacks and area (square feet and acres) on the plat for each lot that is created by the proposed subdivision.

(j) Water elevations of adjoining lakes or streams at the date of survey and approximate high and low water elevations, all referred to City datum.

(k) If the subdivision borders a lake or stream the distances and bearing on a meander line established not less than twenty (20) feet back from the ordinary high water mark of the lake or stream.

(l) Locations of existing property lines, buildings, parks, driveways, roadways, environmentally sensitive areas, streams and watercourses, delineated wetlands, rock outcrops, wooded areas, floodplains, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto, and other pertinent information and/or data as determined by the Plan Commission.

(m) Contour lines at vertical intervals of not more than five (5) feet where the slope is greater than ten percent, and not more than two feet where the slope is less than ten percent (10%). Elevations shall be marked on such contour lines based on City datum.

(n) Approximate location and dimensions of any site proposed to be dedicated for public use or which is to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

(o) Dimensions and areas of lots, together with proposed lot and block numbers.

(p) Radii of all curves including but not limited to all pertinent information for curves such as Delta, degree of curve, chord lengths and bearings, minor chord lengths, etc.

(q) When requested by the Plan Commission, a draft of a protective covenant whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(r) Supplementary Data to be Filed with Preliminary Plat.

1. *Use Statement.* A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

2. *Area Plan.* Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Common Council may require that the subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships

between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

(s) Preliminary plats or final plats, if no preliminary plat was submitted for that development, must comply with the local ordinance which was in effect when the plat was submitted. If an ordinance is revised while the plat is moving through the review process, the new requirements cannot be applied to the plat.

(2) *Final plat or map*. The final plat or map of the subdivision shall comply with the requirements of ch. 236 Wis. Stats. which is hereby adopted by reference, and include the following additional information:

(a) Date, scale, and north arrow.

(b) The total acreage encompassed by the exterior boundaries of the proposed subdivision.

(c) Locations of storm water management areas, environmentally sensitive areas such as delineated wetlands or other navigable streams, and other pertinent information and/or data as determined by the Plan Commission.

(d) The areas (in square feet) of all lots and outlots within the subdivision.

(e) Radii of all curves including but not limited to all pertinent information for curves, such as, Delta, degree of curve, chord lengths and bearings, minor chord lengths, arc lengths, and minor arc lengths.

(f) Outlot, access, and utility easement restrictions.

(g) The Common Council Resolution, Certificate of City Finance Director, and Certificate of County Treasurer.

(h) The affidavits and certificates required by ch. 236 shall be lettered or printed legibly with black, durable ink on the final plat. Two (2) duplicate prints on 22" x 30" true copies and a digital copy of the approved final plat or map in MicroStation format or equal in Wisconsin's Wood County Coordinate System shall be filed with the City Clerk. (Digital version shall be rsion shall be submitted in true Wisconsin's Wood County Coordinate System and in a format that can be precisely converted to MicroStation DGN format. This digital version shall be supplied to the City Engineer.)

(i) The plat and all points set shall be tied to the Wisconsin's Wood County Coordinate System. The distance and bearings of all exterior boundary lines and of all block lines shall be referenced to the coordinate system. Wisconsin's Wood County Coordinate System shall be shown for all exterior boundary corners and all block corners. Surveys shall conform to the applicable provisions of the Technical Standards for Property Surveys, American Congress on Surveying and Mapping, a copy of which is on file in the Engineering Division.

(Code 1982, § 18.07; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-63. Required improvements.

(1) *Facilities required*. Before final approval of any subdivision plat or map within the corporate limits of the City will be granted, the subdivider shall enter into a development agreement with the City, acceptable to the City Attorney, setting forth in detail the terms and conditions of such agreement to include, among other things, the procedure for making such application, the facilities which must be installed under the terms of the contract, the satisfactory proof that the developer is able to install the agreed upon facilities listed in subs (a) to (h), ensuring that such facilities will be installed within the time required by the Council, and such other requirements as may be set forth therein, all as set forth in subsection (8) of this section. There must be an approved development agreement at the time of final plat approval.

(a) *Sanitary sewer.* Sanitary sewers shall be constructed in the locations needed to provide service to each lot. Laterals shall be installed for each lot terminating not less than seven (7) feet inside the property from the street right-of-way line. Where platted utility easements exist, additional consideration shall be made to extend laterals beyond the platted easements. If a sewage lift station is necessary to serve the subdivision, subdividers shall share in cost of the lift station and associated force main in the same ratio that the area of the subdivision bears to the total area served by the lift station. The plans for sanitary sewers shall be approved by the City Engineer and the Wisconsin Department of Natural Resources. Construction shall be under the supervision of the Engineering Division or an engineering consultant agreed upon by the subdivider and the City Engineer and the cost of such supervision shall be borne by the subdivider. If the City is required to construct sanitary facilities outside of the boundaries of the subdivision to serve the subdivision facilities, the subdivider shall be responsible for any cost of such construction not recovered by the City through special assessments unless other arrangements are made through a developer's agreement.

(b) *Water.* Water mains shall be installed within the subdivision boundaries to provide service to each lot in conformance with the regulations of the Marshfield Utility Commission. Laterals shall be installed for each lot terminating not less than seven (7) feet inside the property from the street right-of-way line.

(c) *Storm sewer.* Such facilities shall include mains, ditches, channels, inlets, catch basins and laterals as required by the City Engineer and the Board of Public Works. All storm sewer systems shall be required to handle a ten (10) year design storm unless there is a history of flooding or property damage. Subdivisions shall be designed to safely convey up to the 100 year storm without property damage. All subdividers shall be held to the current WDNR stormwater management standards NR151 and NR216 as well as the chs. 25 and 26 of this code.

(d) *Streets.* The street construction shall include all grading, base course, stormwater drainage systems, curb and gutter and concrete or asphalt pavement, in accordance with the current construction standards on file with the City Engineer. If permitted by City Engineer and the Board of Public Works, a street may be constructed without curb and gutter.

(e) *Sidewalks.* The street construction shall include the installation of sidewalks. Sidewalks shall be installed on both sides of the street. Sidewalks shall be installed as the improvements are being constructed before a certificate of occupancy will be issued. Exceptions to this requirement shall only be approved through a development agreement as identified in Sec. 19-63 (8). Standards for the installation of sidewalk are on file with the City Engineer.

(f) *Signage.* The subdivider shall be responsible for the costs associated with the purchasing and installation of all street name signs and required traffic control signs. Where the development is a high volume commercial development or a public facility such as a school or church the City Engineer shall recommend to the Board of Public Works whether a traffic study shall be required for said developments at the cost of the developer. The subdivider shall also be responsible the costs of the initial installation of all pavement markings.

(g) *Pedestrian and Bicycle Trails.* The subdivider shall grant an easement to the City where new subdivisions converge with opportune areas for new pedestrian and bicycle trails, according to the Marshfield Comprehensive Outdoor Recreation Plan.

(h) Utilities (i.e. electric, phone, CATV, etc.). All utilities shall be installed underground within the boundaries of the subdivision in such a manner as to make service available to each lot. The subdivider shall also cause streetlights to be installed. This Section shall not apply to electric transmission lines and electric distribution main feeder lines when underground installation is inconsistent with the utilities practice for design and/or construction of these types of utility facilities.

(2) *Responsibility for street and utility improvements.* The subdivider shall be responsible for all costs of required improvements, as follows, including construction plus engineering and city administrative costs of sanitary sewer, water, storm sewer, sidewalks, and streets plus any other costs of construction not recovered by the City through special assessment except as set forth below:

(a) Where the streets, storm, and sanitary sewer improvements are constructed on the exterior boundary of a subdivision, the subdivision shall pay fifty (50) percent of storm and sanitary sewer mains and street costs and the City shall pay fifty (50) percent, subject to budgeted funding, and subject to its right to recover such costs upon improvement of the adjoining property.

(3) *Plans and specifications.* At the option of the City the plans and specifications for any or all of the required improvements may be prepared by the City. If the subdivider is required by the City to furnish plans and specifications, they shall be prepared by a registered engineer and approved by the City Engineer and any state agency having jurisdiction over such plans. In either case, the subdivider shall be responsible for the cost of plan preparation and any surveys needed to prepare the plans.

(4) *Construction.* The City may undertake construction with City forces at the request of the subdivider of improvements normally constructed by the City if the City's construction schedule permits. Such construction shall be approved by the Board of Public Works and the subdivider shall deposit a bond or cash with the City in the amount of the estimated cost of the work prior to the start of construction. Payment in full shall be made to the City upon the completion of the work. The construction of any improvements not undertaken by the City shall be the responsibility of the subdivider.

(5) *Inspection.* All construction shall be subject to inspection by the Department of Public Works. The cost of inspection shall be charged to the subdivider. For sanitary sewer construction, final inspection required shall include air pressure testing, mandrel testing, and televising. In the event City personnel are unable to complete inspection services, an outside consultant or third party services may be necessary. Such consultant services and all costs associated with these services shall be born by the subdivider. The consultant utilized for such services shall be approved by the City Engineer and subdivider.

(6) *Dedication required.* All facilities and improvements installed prior to the final approval of the plat shall be considered dedicated to the City (pending inspection and acceptance of said improvements), along with streets and other public areas, upon approval of the plat. Facilities and improvements completed under bond or other financial guarantee, after approval of the plat, shall be considered dedicated (pending inspection and acceptance of said improvements) to the City upon their approval and acceptance and release of the bond or other guarantee.

(7) *Development Agreement.* All subdivisions that require public improvements shall require a development agreement before final plat approval. The agreement shall provide, among other things, the following:

(a) The number and location of the lots to be developed during any period of time involved, which order of development shall be termed "stages" or "phases."

(b) A description of the periods of time within which all of such stages or phases shall be developed.

(c) The method of financing such improvements by one or more of the following:

(1) Special assessments under § 66.0703 Wis. Stats. and the number of annual installments for each phase, if determinable.

(2) Private financing to be obtained by the subdivider.

(3) Public financing as may be determined by the council, with the method of repayment to the city by the subdivider, either by way of special assessments or otherwise, and the terms of such repayment.

(d) A provision detailing the means by which engineering services for the subdivision and/or public improvements will be provided.

(e) A provision that all required improvements shall be installed in accordance with the laws and regulations of the state, City ordinances and the standards for the installation of such facilities which have been or may thereafter be adopted by the Board of Public Works. Standards for public facilities (Street, Sidewalk, Storm Sewer, Sanitary Sewer, Watermain and Signage) are on record with the City Engineer.

(f) A provision that the agreement and the terms thereof shall be recorded in the office of the register of deeds for Wood or Marathon County, whichever is applicable, in order to give notice to any subsequent purchasers of the property included in the subdivision or any phase thereof.

(g) A provision requiring a surety in favor of the City and in a form acceptable to the City Attorney to secure performance of the development agreement. Said surety shall be in an amount equal to the estimated cost of construction or other amount established by Common Council. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the City shall be limited to the phase of the project that is currently being constructed. The City may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

(h) A provision determining the time within which the installation of the required facilities shall commence and be completed, so far as possible to ascertain.

(i) A provision, if requested by the developer and approved of by the City, that allows for an exception to the sidewalk requirement in Sec. 19-63 (1) (e).

(j) Any other or additional provisions which may be deemed necessary by the City, or its appropriate officials, in order to supplement the agreement and accomplish the end desired thereby, giving due consideration to the needs of the subdivider and to the protection of the public.

(8) *Exceptions.* This section shall not apply to a situation involving a single lot of not more than 30,000 square feet in area which is the subject of a certified survey map or plat if one side of the lot has access to an existing, improved street and one side abuts on an unopened or undedicated street which is on the master street plan as of the date of the application for a building permit, and if such lot does not exceed in length along the unopened or undedicated street approximately the same length as any lot abutting on the other side of such lot, or along the same street in the same block. As a condition of obtaining this exception, however, the applicant for the building permit shall agree to provide, in the case of sale of such lot, a covenant in the instrument of conveyance that the purchaser, or his successors in title, shall pay the costs of installing the facilities otherwise required by this section, if such street is opened, and if requested to do so by the Council, to the extent of 50 percent (50%) of such costs. In the event such street has not been dedicated, a further condition shall be the dedication of a minimum of thirty (30) feet (or one-half of the width of the street) as classified by the most current "City of Marshfield Comprehensive Plan", along the entire length of the lot in question.

(Code 1982, § 18.05; Ord. No. 1190, § 2, 12-14-2010; ORD 1268 3/11/14)

Sec. 19-64. Design standards.

All proposed plats and maps shall be reviewed for compliance with the following standards:

(1) *Streets.* Design standards for streets shall be as follows:

(a) *Generally.* The streets shall be designed and located in relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and

to the proposed use of the land to be served by such streets. The arrangement, with grade and locations of all streets, shall conform to the official master street plan, unless amendment of the master street map is first approved as provided at section 30-02 of this Code.

(b) *Arrangement.* Arrangement of streets shall be in accordance with the following:

1. Major and minor arterials shall be properly integrated with the existing and proposed system of major and minor arterials, and insofar as practicable, shall be continuous and in alignment with existing, planned or platted streets with which they are to connect. Minimizing access points is a general requirement for streets carrying this classification.

2. Collector streets shall be properly related to traffic generating from facilities such as schools, churches and shopping centers, to population concentrations and to the major streets into which they feed.

3. Local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient drainage and sewer systems and to require the minimum amount of streets necessary to provide convenience and safe access to abutting property.

(c) *Protection of major/minor arterials where a subdivision borders on or contains a major/ minor arterial.* The plan commission may require that there shall be no direct access between a major/minor arterial and the individual lots or parcels in the subdivision:

1. that the subdivision be laid out with a minimum number of street connections to a major/minor arterial.

2. that whenever existing streets provide reasonable and adequate access to a major/ minor arterial, the street in a subdivision shall not be open directly onto a major/ minor arterial.

3. that local streets be provided and that the backs of lots abut the major arterials and highways. Access to streets under the jurisdiction of the Department of Transportation or county may require special permissions, permits, reviews or requirements for street connections.

(d) *Alleys.* Alleys shall be in accordance with the following:

1. Alleys may be provided in all business, commercial and industrial districts with Plan Commission approval.

2. Dead-end alleys are prohibited.

3. Public alleys shall not be permitted in residential areas.

(e) *Intersections.* Intersections shall be constructed in accordance with the following:

1. Streets shall intersect each other at right angles as nearly as possible.

2. Not more than two streets shall intersect at one point unless approved by the plan commission.

3. Street jogs with centerline offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(f) *Street width.* The right-of-way and pavement width of all streets shall be of the width specified on the official map or master plan or, if no width is specified thereon, they shall be not less than the width specified as follows:

Type of Street	*Right-of-way Width*	*Pavement Width (face to face of curb)*	
1.	Major arterial	100	Minimum 48
2.	Minor arterial	80	48 or 41 with one side restricted parking
3.	Collector	*70*	36 or 32 with one side restricted parking
3.	Local	*60*	32 or 28 with one side restricted parking
4.	Alley	*24*	16

(g) *Grades.* The grade of major/minor arterials shall not exceed four percent (4%). Collector streets shall not exceed six percent (6%), and local streets shall not exceed eight percent (8%) unless approved by the Plan Commission. The grade of all other streets shall not exceed eight percent (8%). In no case shall the grade of any street be less than one-half of one percent (0.5%) and such minimum shall not be permitted for sustained distances.

(h) *Horizontal curves.* Horizontal curves shall be constructed in accordance with the following:

1. A minimum sight distance with clear visibility measured along the centerline shall be provided of at least 300 feet on major/minor arterials, 200 feet on collector streets and 100 feet on local streets.

2. When a continuous street centerline deflects at any point more than two degrees, a circular curve shall be introduced having a radius of curvature of such centerline of not less than the following:

a. Major/minor arterial: 300 feet.

b. Collector: 200 feet.

c. Local: 100 feet.

(i) *Tangents.* A tangent at least 100 feet long shall be introduced between reverse curves on major arterials and collector streets, unless approved by the City Engineer under special circumstances.

(j) *Cul-de-sac streets.* Streets designated to have one end permanently closed shall not exceed 500 feet in length from the right-of-way of the through street to the center of the cul-de-sac bulb and shall terminate with a turnaround of not less than 120 feet in diameter of right-of-way. Whenever and wherever possible, the use of cul-de-sac streets shall be discouraged.

(k) *Boundary streets.* Where existing street right-of-way is adjacent to the tract being subdivided, the rest of the needed street right-of-way shall be dedicated by the subdivider.

(l) *Street names.* New street names shall not duplicate or be similar to existing street names and existing street names shall bear the same name and be projected wherever possible, as designated by the plan commission. All streets running northerly and southerly shall hereafter be designated as "avenues." All streets running easterly and westerly shall hereafter be designated as "streets." Other designations, such as "lane", "circle", "court", or "drive," may be approved upon recommendation of the plan commission if the subject street is not a through street.

(2) *Easements.* Design standards for easements shall be as follows:

(a) Easements shall be provided where required by the plan commission for storm and sanitary sewers; gas, water and heat mains; and power, telephone and television cable lines. They shall be at least ten feet in width.

(b) Where a subdivision is traversed by a watercourse, channel or stream an easement shall be provided for an adequate drainageway conforming substantially with the lines and area of such watercourse, channel or stream. The location, width, alignment and any proposed improvement of such drainageway shall be subject to approval of the plan commission. Wherever possible, a stormwater drainage shall be maintained by landscaped, open channels of adequate width and grade to hydraulically achieve maximum potential volumes of flow. Sizes and design details shall be subject to review and approval by the Cit Engineer

(3) *Blocks.* Design standards for blocks shall be as follows:

(a) The length, width and shapes of blocks shall be compatible with the planned use of the land and the type of development contemplated. Block length in residential areas shall not as a general rule exceed 1,500 feet nor be less than 600 feet between right-of-way lines unless waived by the Plan Commission.

(b) Pedestrian ways or crosswalks, not less than fourteen (14) feet in width, shall be required by the plan commission where deemed essential to provide adequate pedestrian circulation or access to schools, playgrounds, shopping centers, churches, transportation and other community facilities.

(4) Lots. Design standards for lots shall be as follows:

(a) The shape, size and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and the use contemplated and shall conform to the requirements of existing zoning designations or the Comprenhensive Plan.

(b) Lot dimensions shall conform to the requirements of the zoning code of the governmental unit in which the subdivision is located. In no case shall residential lots have a width of less than thirty 30 feet at the street line on a cul-de-sac, curve, or curvilinear street, nor the minimum lot width of the Municipal Zoning Code at the required setback line.

(c) Residential lots fronting on major/minor arterials shall be platted with sufficient depth to permit adequate separation between the buildings and such traffic ways.

(d) Excessive depth in relation to width shall be avoided and a proportion of two and onehalf (2 1/2) to one shall normally be considered as a desirable maximum for lots of seventy (70) feet or more. Lots shall not be less than 100 feet in depth.

(e) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(f) Every lot shall front or abut on a public street.

(g) Flag lots shall not be allowed.

(h) Side lot lines shall be substantially at right angles to straight street lines or radial to curb street lines on which the lots face.

(i) Corner lots shall have extra widths to provide adequate building setbacks from side streets.

(j) In case a tract is divided into large parcels, such parcels shall be arranged so as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter.

(k) Lots shall follow municipal boundary lines rather than cross them.

(l) Double-frontage shall be discouraged except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(m) Compliance with Comprehensive Plan and Ordinances. The arrangement, character, features, and layout of land division in the City of Marshfield shall be designed to comply with the standards of this chapter, the Comprehensive Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Common Council. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the City Engineer and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. In the absence of a street being shown on the official map, streets shall be provided in locations determined necessary by the City Engineer and to the right-of-way widths required in this Sec. 19-64 (1) g. for the classification of street required.

(n) Parcels and or plat shall contain adequate area to provde for stormwater management requirements per NR151 and NR216.

(5) *Public sites and open spaces.* In the design due consideration shall be given to the reservation of suitable sites and adequate area for future schools, parks, playgrounds, drainageways and other public purposes. Consideration shall be given to the preservation of scenic and historic areas, trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

(Code 1982, § 18.06; Ord. No. 1190, § 2, 12-14-2010)

Secs. 19-65—19-69. Reserved.

Article IV. Lot Line Adjustment

Sec. 19-70. Lot Line Adjustment Procedure

(a) *Applicability*. The regulations contained within this article shall apply to lot line adjustments within the corporate limits.

(b) *Submittal Requirements.* The applicant shall submit two (2) copies of the plat of survey to the City of Marshfield Planner/Zoning Administrator.

(c) *Plat of survey requirements.* In addition to information required by Chapter A-E7 of the Wisconsin Administrative Code the following information shall be required on the plat of survey in order to determine compliance with local subdivision and zoning ordinances:

1. Location of all existing structures.
2. Setback dimensions of existing structure from all existing and proposed lot lines;
3. Area of each lot;
4. Names and addresses of owner(s) and surveyor;
5. Map date, legend, scale, surveyor's certificate, north arrow; and
6. Legal description of each proposed lot.

(d) *Monumentation.* New lot corners shall be monumented in accordance with Section 236.34(1) (b), Wisconsin Statutes.

(e) *Approval.* The City of Marshfield Planner/Zoning Administrator will administratively review the plat of survey within five (5) business days of submittal and certify approval on the face of the survey; provided, no zoning code or subdivision ordinance violations will result from the lot line adjustment.

(f) *Recordation.* Upon certification of approval, the petitioner shall record the plat of survey in conjunction with the deed or other legal instrument with the County Register of Deeds. The applicant shall submit two (2) recorded copies of the deed or instrument and plat of survey exhibit to the City of Marshfield Planner/Zoning Administrator. One copy will be kept on file in the Department of Planning & Economic Development and one copy will be forwarded to the City Assessor.

(Ord. No. 1190, § 2, 12-14-2010)

Article V. Park & Recreational Land Dedications

Sec. 19-80. Dedication of land for parks and recerational areas

(1) *Purpose*. This section is adopted to provide recreational areas in the form of parks, playgrounds, trails, recreation and open spaces as a function of subdivision and development in the City of Marshfield.

(2) *Review*. Upon the submission of a preliminary plat for a major subdivision, the zoning administrator shall determine the dedication requirements and review them based on recommendations in the City's Comprehensive Plan and Comprehensive Outdoor Recreation Plan and request that this item be placed on the Parks and Recreational Forestry Committee's subsequent meeting agenda. The Parks and Recreational Forestry Committee shall review all park, playground, trail, recreation and open space dedications and provide a recommendation to the Common Council based on the dedication requirements in Sec. 19-81.

(3) *Dedication Requirement*. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, playgrounds, trails, recreation and open spaces may be equitably apportioned on the basis of additional need created by residential development, each subdivider of a major subdivision for residential use shall be required to dedicate land or fees in lieu of land for parks, recreation or open spaces.

(4) *General Design*. In the design of a major subdivision or planned unit development, provision shall be made for suitable sites of adequate area for parks, playgrounds, trails, recreation and open spaces. Such sites are to be shown on the Preliminary Plat and Final Plat, and the following areas should be preserved when feasible but shall not count towards the required parkland dedication: scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

(5) *Site Reservations Required*. Where the area proposed to be divided contains a park, playground, trail, or other public area which is shown in the Comprehensive Plan or the Comprehensive Outdoor Recreation Plan, such area shall either be dedicated to the proper public agency, or, at the Common Council's determination, it shall be reserved for acquisition thereby within a three (3) year period by purchase or other means if such lands meet or exceed dedication requirements. If the land is not acquired during this period, it shall be released to the subdivider.

(Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-81. Dedication requirements

(1) *Dedication of Sites*. When feasible and compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, the subdivider shall provide and dedicate to the public adequate land to provide for park, playground, trail, recreation and open space needs of the land development within the City of Marshfield. The location of such land to be dedicated shall be determined by the Common Council. Where the dedication is not compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, or for other reasons is not feasible as determined by the Common Council, the subdivider shall, in lieu thereof, pay to the City a fee as established by this Article, or a combination thereof.

(2) *Dedication of Parks, Playgrounds, Trails, Recreation and Open Spaces*. The subdivider shall dedicate sufficient land area to provide adequate parks, playgrounds, trails, recreation and open spaces to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be one (1) acre for each forty-five (45) potential dwelling units or fractions thereof.

(3) *Combination of Residential Uses*. Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding the potential residential units intended for single-family and two-family dwellings, and the potential residential units intended for multifamily dwellings. Where a definite commitment is made to the City by the developer with respect to those portions of the project intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.

(4) Minimum Size of Park and Recreation Land Dedications.

a. In general, land reserved for parks, playgrounds, recreation and open spaces purposes shall have an area of at least one (1) acre of contiguous land. Where the amount of land to be dedicated is less than one (1) acre, the Common Council may require that the recreation area be located at a suitable place on the edge of the proposed major subdivision or planned unit development so that additional land may be added at such time that the adjacent land is subdivided.

b. Land dedicated for the purpose of establishing trails shall be shown as an easement on the Preliminary and Final Plats. The minimum width of the easement shall be no less than thirty (30) feet wide. Widths greater than 30 feet may be required in certain circumstances as determined by the Plan Commission. Neither end of the easement may result in a dead-end, unless a future connection has been identified or may be reasonably established. Up to onehundred percent (100%) of the total land area of the granted easement may be counted towards the overall dedication requirement.

c. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have frontage on one or more streets for public access. The Common Council shall make the final determination of suitability.

(5) Fees in Lieu of Land.

a. Where, the Common Council, determines there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the City's Comprehensive Plan or Outdoor Recreation Plan, the minimum size under Section 19-81 (4) cannot be met, or City officials determine that a cash contribution would better serve the public interest, the Common Council, shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a non-lapsing fund to be used for purchase, development, and improvement of parks, playgrounds, trails, recreation and open spaces. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be $200.00 for each residential unit. The fee shall be paid to the City at the time of final plat approval.

b. The Common Council may, permit the subdivider to satisfy the requirements of this Article by combining a land dedication with a fee payment. If only a percent of the land dedication is made, the subdivider shall also contribute an amount equal to the required per unit fee in lieu of land. For example, if a land dedication of twenty-five percent (25%) of the required dedication is made, the subdivider shall also contribute an amount equal to seventyfive percent (75%) of the required per unit fee in lieu of land.

c. The City shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Common Council in any City-owned park, for developing adequate parks, playgrounds, trails, recreation and open spaces.

(6) *Limitations.* A subdivider shall not be required to dedicate more than one-fifth (1/5) of the total area of the plat to meet the objectives of this Section.

(7) *Suitability of Lands*. Common Council shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(8) *Access to Dedicated* Land. All dedicated land shall have frontage on a public street and shall have public access.

(9) *Utility Extensions*. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-82. When additional land is to be reserved

(1) When public parks and sites for other public areas as shown on the Comprehensive Plan lie within the proposed area for development and are greater in area than required by Section 19-81 (4), the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of three (3) years of Final Plat approval unless extended by mutual agreement.

(Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-83. Standards for dedicated lands

(1) When parklands are dedicated to the City, the subdivider is required to:

a. Properly grade and contour for proper drainage;

b. Provide surface contour suitable for anticipated use of area as approved by the City Engineer; and

c. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the City. The improved are shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the City accepts the dedication.

(2) It shall be the responsibility of the City to maintain the dedicated areas upon their dedication and acceptance by the City.

(3) The Common Council may require certification of compliance with this Article by the subdivider. The cost of such report shall be paid by the subdivider.

(4) If the subdivider fails to satisfy the requirements of this Section, the Common Council may contract said completion and bill such costs to the subdivider, following a written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(5) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.

(Ord. No. 1190, § 2, 12-14-2010)

PUBLIC WORKS

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Article I. In General

Sec. 13-01. Environmental pollution.

No person shall sweep or deposit weeds, grass clippings, leaves or any objects or materials from private premises upon any sidewalk, street, terrace, or other city property which are likely to get into storm sewers and cause environmental pollution.

(Code 1982, § 8.12)

Sec. 13-02. Public works without bids.

Pursuant to § 62.15(1) Wis. Stats., any sewer main extensions; water main extensions; sidewalks; paving and street improvements; construction and maintenance of streets and highways; storm and sanitary sewers and drains; repairing, extension and alterations of any sewage disposal plant; alterations and repairs to public buildings; and any other class of public construction may be done by the city without submitting such for bids.

(Code 1982, § 8.15)

Sec. 13-03. Construction of private transmission lines, laterals and service pipes.

(1) *Resolution to be adopted.* Whenever the council, after recommendation by the board of public works, shall determine to improve any streets in the City of Marshfield with concrete or hot mix bituminous surfacing, without special assessment to adjoining owners, the council may, by resolution, require adjoining property owners and/or utilities to construct cable or electrical lines or water, heat, sewer and/or gas laterals or service pipes from the lot line, or near the lot line into the right-of-way. In such case, the resolution may provide that such construction be performed within a certain period of time, prior to the improvement of such street, and if such lines, laterals or service pipes are not so constructed by the property owner or utility, the city may construct the lines, laterals or service pipes.

(2) If the work described in subsection (1) of this section is done by the city, or under a city contract, a record of the cost of constructing such laterals or service pipes shall be kept and such cost, or the average current cost of laying such laterals or service pipes, shall be charged and be a lien against the lot or parcel served in such manner as may be provided in such resolution.

(Code 1982, § 8.18)

Sec. 13-04. Enforcement and penalty.

The director of public works, the city engineer or an authorized agent thereof shall enforce this chapter, and have the authority to issue citations enforcing this chapter and for public nuisances under chapter 11 of this Code in the Marshfield Municipal Court.

(Code 1982, § 8.25; Ord. No. 1031, § 2, 10-12-2004)

Secs. 13-5—13-30. Reserved.

Article II. Streets and Sidewalks

Sec. 13-31. Street and sidewalk grade.

(1) *Establishment.* The grades of all streets, alleys and sidewalks shall be established by the city engineer, approved by the council and filed in the office of the city clerk.

(2) *Altering grades prohibited.* No person shall alter the grade of any street, alley, sidewalk or public ground, or any part thereof, unless authorized or instructed to do so by the city engineer, upon approval of the council.

(Code 1982, § 8.01)

Sec. 13-32. Sidewalk construction and repair.

(1) *Statutes adopted by reference.* The provisions of § 66.0907Wis. Stats. are hereby adopted by reference, except that abutting property owners shall be responsible for 100 percent of the cost of construction and/or repair of sidewalks. The city shall be responsible for 100 percent of the cost of construction and/or repair of curb ramps and crosswalks.

(a) *Minor Repairs*. If the cost of repairs of any sidewalk in front of or adjacent to any parcel of land does not exceed the sum of $100, the City Engineer may immediately repair the sidewalk, and charge the cost of the repair to the owner of the lot or parcel of land as provided in this ordinance and the provisions of § 66.0907Wis. Stats.

(b) *Notice for Minor Repairs.* A notice shall be sent to the owner of the parcel of land stating the city's intent to make minor non-emergency repairs. If the owner of a parcel of land chooses not to utilize the city's method for minor repairs the parcel owner shall notify the City Engineer in writing within ten business days of the day the notice is sent. Emergency repairs shall not require a written notice.

(2) *Policy established.* The board of public works shall establish a policy governing the installation and repair of sidewalks. The city engineer shall administer such policy.

(3) *Permit required.* No person shall engage in or carry on the business of constructing or repairing concrete sidewalks in the City of Marshfield unless a permit therefor has first been obtained by the owner, or the owner's agent, from the building services supervisor, as provided in section 15-02 of this Code. The term "business" means the constructing or repair of such sidewalks for compensation. Minor repairs made by the property owner shall not require a permit as determined by the building services supervisor and the city engineer.

(4) *Bond required.* No person shall engage in or carry on the business of constructing or repairing concrete sidewalks in the City of Marshfield without first filing in the office of the city clerk a bond or other such surety as may be approved by the city attorney and the director of public works in the sum of $10,000.00. Such bond shall be executed by the contractor as principal and by a surety company to be approved by the city attorney. The bond shall require that for a term of one year from the date of such sidewalk construction or repair, the contractor will properly replace and repair any defective work which may be discovered and pay all damages sustained by any person thereby. Such bond shall include a provision that it shall not be cancelled without at least 30 days' written notice to the city of such proposed cancellation.

(5) *Insurance required.* Sidewalk contractors shall provide proof of public liability insurance by filing, with the city engineer, a certificate of insurance. Such certificate shall be subject to review by the city attorney. If, in the opinion of the city attorney, the contractor's insurance is not adequate for the sidewalk work

contemplated, permits may be denied. The City of Marshfield shall be named as "additional insured" on such insurance certificate. The contractor will indemnify and save harmless the City of Marshfield from all accidents and damages caused by any negligence in the construction or repair of any sidewalks, or by any unfaithful, imperfect or inadequate work on the part of such contractor, including any failure to erect and maintain sufficient barriers or lights at the place where sidewalks are being constructed by the contractor to guard against injury to persons passing upon the street and any failure to promptly remove all tools, implements, refuse and unused materials from such street after the completion of the work.

(Code 1982, § 8.02; Ord. No. 1102, § 1, 6-26-2007)

Sec. 13-33. Street excavations.

(1) *Permit.* No person shall excavate in any street, alley or public ground without a permit therefor from the director of public works.

(2) *Bond.* Before a permit may be issued for excavating in any public street, way, or alley, the person applying for such permit shall execute to the city and deposit with the city clerk a corporate surety approved by the city in a sum of $1,000.00 conditioned that he will perform faithfully all work with due care and skill and in accordance with the laws, rules and regulations applicable thereto.

(a) *Liability.* The bond shall state that the person will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with such excavating.

(b) *Length of bond.* Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

(c) *When to file.* Bonds in compliance with this subsection shall be executed and filed on or before January 1 of each year, and no permit for such excavating shall be issued before such bonds are so filed and executed by the person applying for such permit.

(3) *Restricted in winter.* No openings in the streets, alleys or other public ways shall be permitted when the ground is frozen, except in emergencies. In opening any street or other public way, all materials for paving or ballasting shall be excavated with the least possible injury or loss to the remaining portion and, together with the excavated material from the trench, shall be removed completely from the public right-of-way. All ditches and gutters shall admit the free passage of water.

(4) *Protection of the public.* No permit shall be issued if the method of construction or the location of the work to be performed will impair the public safety and convenience. The permit holder shall erect such barriers, warning lights and signs as will adequately inform the traveling public of the nature and location of the work being performed. All openings made in the public streets or alleys shall be enclosed with sufficient barriers, and red lamps shall be maintained upon the openings at night and all other necessary precautions to guard the public against all accidents from the beginning to the completion of the work shall be taken. Sewers and drains shall be laid only on condition that the excavator or plumber is bonded as provided for all damages that may result from his neglect of any necessary precaution against all accidents to persons or property of others.

(5) *Restoring surfaces.* All street surfacing removed for construction purposes shall be replaced by the city upon the completion of the work. The cost of such surface replacement shall be borne by the permittee. The board of public works shall establish rates per square foot for various types of surface replacement based on estimated costs. Each application for a permit which contemplates removal of street surface shall be accompanied by a deposit in an amount sufficient to cover the estimated surface replacement cost at the rates established in this subsection. At the completion of the work, the actual area of the surface cut or removed shall be measured by the city. If such area is greater than the amount covered by the deposit, the

permittee shall be billed for any excess due; and if less, the permittee shall be refunded the amount overcharged.

(6) *Protection of utility conduits; repairs and maintenance.* All gas, water, sewer, electric or telephone conduits must be protected from injury or settling in a manner satisfactory to the director of public works. The licensee shall be responsible for all repairs or maintenance in connection with the excavation for a period of one year.

(7) *Backfilling.* All backfilling of such excavations shall be performed in accordance with the provisions of section 14-03(10) of this Code.

(Code 1982, § 8.04)

Sec. 13-34. Installation of culverts.

(1) *Permit required.* No person shall lay, install or place, or cause or allow to be laid, installed or placed any culvert in any street or other public way in the city without first securing the approval of the department of public works of the material from which the culvert is to be constructed and of the size the culvert. Such approval shall be written, and shall specify the material to be used and the size of such culvert. The applicant shall provide the culvert, but the department of public works shall provide for the installation thereof. The applicant, or his assigns, shall be responsible for the subsequent maintenance of the culvert. No building permit shall be issued for the premises to be served by such culvert until application therefor has been made, and no certificate of occupancy for the premises shall be issued until such culvert has been approved and installed.

(2) *Removal of culvert.* The department of public works shall order the removal of any culvert laid, installed, placed in violation of this section, at the expense of the person responsible, and any culvert not removed within ten days may be removed by the department of public works at the expense of such person.

(Code 1982, § 8.05)

Sec. 13-35. Sidewalks, removal of snow and ice; duty of street superintendent.

(1) *Removal of snow and ice from sidewalks and curb ramps.* Removal of snow and ice from sidewalks and curb ramps shall be done in accordance with the following:

(a) Owners of property abutting or containing public sidewalks, curb ramps and outwalks, hereinafter collectively referred to as "sidewalks", shall be responsible to maintain such sidewalks free from snow and ice accumulations at all times. Such owner shall be responsible to remove or have removed all accumulations of snow and ice from the entire paved width and length of such sidewalks, within 48 hours after snow or ice has fallen or accumulated thereon, without notice, except for downtown sidewalks as provided in subsection (c) below. In the case of drifting snow or of ice accumulating due to melting and refreezing, such owners shall keep all sidewalks sprinkled with sand or salt, and no accumulation of ice or snow shall be permitted to continue for more than a 48-hour period.

(b) If any owner has failed to comply with any provisions of subsection (1)(a) of this section for a 48-hour period, the street superintendent, or his designee, may arrange for prompt removal or treatment of the accumulations of ice or snow, and may repeat removal or treatment procedures as often as necessary to maintain such sidewalks in a safe and usable condition. Any costs and expenses of such removal or treatment shall be charged to the owner. The minimum charge for ice and snow removal and treatment shall be $75.00 for any parcel containing not more than 200 feet of sidewalk length; $90.00 for any parcel containing more than 200 feet of sidewalk length, and an additional $25.00 for each curb ramp or outwalk, plus administrative charges as established by the street superintendent. For 4 or more contiguous vacant lots under the same ownership, the minimum charge for ice and snow removal shall

be $300 plus one administrative charge. For the purposes of this section, vacant lots under the same ownership, separated by unopened road right-of-way shall be considered contiguous.

(c) Owners of Downtown Property abutting or containing public sidewalks, curb ramps and outwalks, hereinafter collectively referred to as "sidewalks", shall be responsible to remove or have removed all accumulations of snow and ice down to bare pavement for the entire paved width and length of such sidewalks, within 48 hours after snow or ice has fallen or accumulated thereon, without notice.

1. Downtown Property shall be defined as those properties within the established boundaries of the Business Improvement District excluding properties used exclusively for residential purposes. The entire paved length and width of said sidewalks shall include the area from the building front or right-of-way line to the face of the curb, including brick paver areas, where present.

2. If any owner has failed to comply with any provisions of subsection (c) above, the street superintendent, or his designee, may arrange for prompt removal or treatment of the accumulations of ice or snow, and may repeat removal or treatment procedures as often as necessary to maintain such sidewalks in a safe and usable condition. The owner shall be charged double the minimum charges described in subsection (b) above.

(d) The street superintendent shall maintain an account of ice and snow removal or treatment, and shall report the account to the finance director not less than monthly. The finance director shall collect such charges from the owners of the parcels containing or abutting the subject sidewalks, and if no payment is made, may assess on the next subsequent tax roll a special charge against the parcels of land which are affected, to be collected in the same manner as other city taxes upon real estate. No property in the city shall be exempt from the payment of such special charges.

(e) In addition to charges for ice and snow removal and treatment as provided at subsection (1)(b) of this section, after written notice of noncompliance from the street superintendent repeated violations may be cited as an ordinance violation, subject to penalties as provided at section 1-05 of this Code of the City of Marshfield. Each day of noncompliance shall constitute a separate offense.

(f) The street superintendent will publish a legal notice summarizing the requirements of this section of the Municipal Code during the first week of October of each year.

(g) Any contractors hired by the city for the purpose of clearing sidewalks must submit proof of liability insurance coverage.

(2) *Deposit in streets restricted.* It shall be unlawful for any person, firm or corporation to push and/or deposit snow from private premises, whether his or its own premises or those belonging to any other private person, firm or corporation upon, onto or across any sidewalk, street, and/or other city property within the City of Marshfield, Wisconsin, or to deposit snow from private premises, excluding sidewalks and driveway approaches, upon any terrace within the city.

(3) *Snow emergency.* Snow emergency regulations shall be as follows:

(a) Definitions: The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. *Parking* means permitting a vehicle to remain unattended, but shall not include the temporary stopping of a vehicle by a doctor on an emergency call; business vehicles being used for normal delivery or pickups; or police, fire or other emergency vehicles.

2. *Snow emergency* means an emergency that shall exist whenever there shall be an accumulation of snow of not less than three inches during a 24-hour period and such accumulation hinders or interferes with the safe and expeditious movement of traffic or impedes the ability of an

emergency or public transportation vehicle to travel safely and expeditiously over the streets and highways of the City of Marshfield. Such emergency shall continue in effect for a period of 48 hours after snow has ceased to fall, or until such time as the snow has been removed from the streets or highways within the city, or until the snow emergency has been rescinded by action of the street superintendent.

(b) *Emergency snow parking regulations.* No vehicle shall be parked on any public street or highway in the City of Marshfield during any snow emergency condition as described in subsection (3)(a) of this section, except as provided in the administrative code of traffic and parking regulations.

(c) *Declaration of snow emergency.* A snow emergency may be declared to exist by the director of public works and/or street superintendent. Publication of such declaration shall be given by notifying the news media in the area, but such declaration shall be a service aid only, and not a duty on the part of such officials.

(4) *Penalties.* Any person who shall be in violation of any provision of this section, except subsection (3)(b) of this section, shall, upon conviction thereof, forfeit the sum of not less than $5.00 nor more than $50.00, and any person who shall violate subsection (3)(b) of this section shall, upon conviction thereof, forfeit the sum of not less than $10.00 nor more than $100.00, together with the costs of prosecution, for each such offense, and in the event of a default in the payment thereof, shall be imprisoned in the city or county jail for not more than seven days for each such offense, unless such judgment of forfeiture and costs are sooner paid.

(Code 1982, § 8.08; Ord. No. 966, § 1, 2, 12-17-2002; Ord. No. 1061, § 1, 10-11-2005; Ord. No. 1061, § 1, 10-11-2005; Ord. No. 1150, § 1, 3-24-2009; Ord. No. 1175, § 1, 2-23-2010)

Sec. 13-36. Temporary closing of streets.

(1) *Noncommercial use.* The department of public works shall close any street or portion thereof for a period of not more than five consecutive days, for any noncommercial use thereof by any civic, fraternal, religious, charitable or similar noncommercial organization. The director of public works shall require such organization to place suitable barricades at the ends of the portion of the street so closed, and to hold the city harmless from all damage and all liability for injury to persons or property which might result from such closing, on such terms and conditions as the department of public works deems.

(2) *During construction.* The board of public works, or any contractor or agent working under the direction of such board, or the holder of a permit issued in accordance with section 14-03 of this Code, is hereby empowered and authorized to close to traffic by the erection of suitable barricades and signs any street or alley which is unfit or unsafe for travel. Barricades shall be provided with warning lights or flares at night. Barricades or signs shall not be moved or removed by any unauthorized person.

(3) *Penalty.* Any person entering any street or alley which shall have been closed to traffic as provided in subsection (2) of this section or moving or removing any barricade or sign which shall have been erected in accordance with subsection (2) of this section shall, in addition to the penalties provided by section 1-05 of this Code, be liable to the city in the amount of any damages which might be caused to municipal property as a result of such violation.

(Code 1982, § 8.13)

Sec. 13-37. Street lines established.

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Roadway means the traveled portion of any street as established by the department of public works.

Street line means that portion of any public right-of-way lying between the boundaries thereof.

Terrace means the portion of any street right-of-way lying between the roadway edge of the public sidewalk, if any, and the curb or the shoulder of the traveled roadway.

(2) *Terrace responsibility of owner.* The terrace shall be the responsibility of the owner of the property fronting or abutting on the street. The terrace shall be built with earth and seeded with lawn to an established grade by such owner, at his own cost and expense, within 30 days after service of notice to do so by the director of public works. Exceptions for alternative terrace treatments may be permitted in the downtown business district and other areas of high pedestrian traffic upon approval by the board of public works.

(Code 1982, § 8.14; Ord. No. 1051, § 1, 6-28-2005)

Secs. 13-38—13-65. Reserved.

Article III. Obstructions and Encroachments

Sec. 13-66. Obstructions and encroachments.

(1) *Prohibited.* No person shall encroach upon or obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection (2) of this section. No person shall prohibit or obstruct the flow of water in any ditch, sewer, gutter or culvert in, along or across any street, alley, lane, sidewalk or natural surface drain in the city.

(2) *Exceptions.* The prohibitions of subsection (1) of this section shall not apply to the following:

(a) Signs and clocks attached to buildings which project not more than six feet from the face of such building and which do not extend at any point lower than ten feet above the sidewalk, street or alley.

(b) Awnings which do not extend at any point lower than seven feet above the sidewalk, street or alley.

(c) Public utility encroachments authorized by the city.

(d) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three hours.

(e) Building materials when a permit therefor has been issued by the director of public works. Such permission shall be granted for periods not to exceed four months.

(f) Debris resulting from automobiles which have been wrecked or damaged, if the owner or operator removes such debris within 12 hours of the accident. (g) Newspaper vending boxes, provided, however, that such boxes shall not be installed within four feet of any public or private driveway, shall not exceed a size reasonably necessary to effect their purpose, shall be placed at either the outside or inside edge of the sidewalk, if a sidewalk is available, and shall be limited to one such box for any newspaper publication on any street between two intersecting streets. The owner of such boxes shall provide liability insurance covering personal injury and property damage which might or could result from the establishment of such boxes in an amount of $25,000.00/50,000.00 for personal injury and $5,000.00 for property damage; such policies shall name the City of Marshfield as an additional insured, and a certificate of insurance showing the existence of such policy, containing not less than a ten-day cancellation provision, shall be filed with the city clerk. Such insurance policy shall describe the location of the box covered by the policy, and the city shall be furnished a copy of such policy, or the description of such location shall be included in the certificate of insurance referred to in this subsection.

(Code 1982, § 8.06)

Secs. 13-67—13-95. Reserved.

Article IV. Special Assessments

Sec. 13-96. Special assessments.

(1) *When applicable.* Benefitted properties shall be subject to special assessments, levied and collected in accordance with § 66.0701 Wis. Stats. for the following public works or improvements:

(a) The opening of a street to traffic.

(b) The improvement of a street opened to traffic.

(c) The construction of a sanitary sewer main.

(d) The construction of a sanitary sewer lateral, storm sewer lateral or water service lateral.

(e) The construction, replacement or repair of a public sidewalk when done in connection with a street improvement project.

(f) The construction and installation of a water main if necessary to be done in connection with a street improvement project when, in the judgment of the council, it would be impractical for such water main to be installed under the rules of the Marshfield Utility Commission. If required, a deposit for the cost of the installation of such main shall be made from the general funds of the city.

(g) The construction of a storm sewer.

(2) *Determining assessment rates for street construction.* The following methods shall be used to determine assessment rates for the opening of a street and improvements of a street:

(a) The front foot assessment rate shall be 33.33 percent of the total cost of construction for a single linear foot of the typical cross section of roadway plus ten percent for engineering and administrative overhead When federal, state or county funding is provided for the project to the extent of not more than 66.67 percent thereof, then the frontfoot assessment rate shall be discounted by the percentage of federal, state or county funding applied to the cost of the project. When federal, state or county funding is provided for the project to the extent of at least 66.67 percent thereof, then the front foot assessment rate shall be 50 percent of the resulting city share of the cost per lineal foot and shall be discounted by the percentage of federal, state or country funding applied to the cost of the project.

(b) Where the project involves a cul-de-sac or different types of construction on the same project, the procedure in subsection (2)(a) of this section may be modified to more accurately determine the benefits accruing to each parcel of abutting property. In such case the total assessments levied shall not exceed 66.67 percent of the total cost of construction as determined in subsection (2)(a) of this section.

(c) For property used for residential, educational, governmental or nonprofit corporation purposes, regardless of the zoning classifications therefor, the side-foot rate shall be 50 percent of the front-foot rate.

(d) For property used for any purpose other than those set forth in subsection (2)(c) of this section, the side-foot rate shall be 75 percent of the front-foot rate.

(e) For platted residential property where reversed frontage exists with the long side of the property fronting on the project, and where there is no possibility of further construction, the assessment at the

front-foot rate shall not exceed the length of the short side of the property and the balance shall be assessed at the side-foot rate.

(f) When a parcel of residential property abutting the project has a lot line forming an interior angle of 65 degrees or less with the street right-of-way line then the equivalent frontage or sideage for assessment purposes shall be determined by dividing the area of the parcel by the greatest distance that can be measured from the street right-ofway line at right angles to such line. This shall not apply to a parcel of land whose lot lines are parallel or do not diverge more than 15 degrees from being parallel, nor shall it apply to sanitary sewer or sidewalk assessments.

(g) In the improvement of a street opened to traffic, it is determined that the maximum pavement construction that is necessary to serve abutting property zoned for residential use isasphalt pavement with curbs, 32 feet wide and 3- inches thick (two layers). Where pavement construction exceeds the above dimensions the total cost of construction specified in subsection (2)(a) of this section shall be based on a pavement of the dimensions stated in this subsection using prorated unit costs of actual pavement construction or equivalent.

(3) *Determining assessment rates for sanitary sewer main construction.* The following methods shall be used to determine assessment rates for sanitary sewer main construction:

(a) The total cost of construction plus ten percent for engineering and administrative overhead shall be divided by the linear feet of all benefited properties, including property outside the corporate limits, city-owned greenways and the side of a corner parcel where sewer has been previously installed and special assessments charged on the opposite side of such corner parcel.

(b) The rate so determined shall be applied to each linear foot of all benefited property except property referred to in subsection (3)(a) of this section as "included," and those assessments shall be paid by the city.

(c) The word "side" as used in subsection (3)(a) of this section shall mean either the front, side or rear of a parcel, whichever is applicable.

(d) Where the project involves construction in a cul-de-sac or in an easement, the procedures in subsection (3)(a)—(3)(c) of this section may be modified to more accurately determine the assessments to be levied against abutting properties benefited by the construction.

(4) *Sanitary sewer lateral, storm sewer lateral, and water service lateral construction.* The assessment for the construction of a sanitary sewer service lateral, storm sewer laterals, or water service lateral shall be 100 percent of the total cost of construction plus ten percent for engineering and administrative overhead. The cost of construction shall include all permit fees, connection charges and lift station fees where applicable.

(5) *Sidewalk construction.* The assessment for the construction, replacement or repair of a public sidewalk when done in connection with a street improvement project shall be 100 percent of the total cost of construction plus ten percent for engineering and administrative overhead except as follows:

If an existing sidewalk does not require repairs as required in the Sidewalk Construction and Repair Policy and is removed and replaced as part of a street improvement project, due to adjustment for grade or cross slope or due to nonconformance with the current standard for the Americans with Disabilities Act, said sidewalk shall not be subject to special assessments.

(6) *Determination of assessment rates for water main construction.* The provisions of subsection (3) of this section shall apply to the assessment for the construction and installation of a water main when done pursuant to subsection (1)(f) of this section and section 19-63(2) of this Code.

(7) *Determination of assessment rates for storm sewer main construction.* The following methods shall be used to determine assessment rates for storm sewer construction:

(a) Storm sewer construction on streets without curb and gutter shall be subject to special assessments. All properties served or benefitted by the new storm sewer system or appurtenances shall be considered as part of the assessment district. Assessments shall be levied for 50 percent of the total cost of construction.

(b)

(c) The assessment rate shall be determined pursuant to subsection (3) above of this section. The assessment rate for properties used for agricultural, residential, educational, governmental or nonprofit corporation purposes, regardless of the zoning classification, shall be limited to the total cost of construction for a maximum storm sewer size able to handle up to 15 cubic feet per second of stormwater flow. The assessment rate for all other property uses shall be subject to the total cost of construction regardless of the storm sewer size.
Storm sewer installations on streets with curb and gutter shall not be subject to special assessments.

(8) *Connection charges when assessment not permitted.* In the event that the city shall be required by law or court decision to provide the services described in subsection (3) of this section to property outside the corporate limits, and where section 13-99 of this Code does not apply, there shall be a connection charge made equal to the amount which would have been otherwise assessed. No such connection shall be permitted until such connection charges are paid or secured in a manner satisfactory to the city. Connection charges shall be paid in one lump sum and shall not be subject to Subsection (9), Terms for repayment of special assessments, below.

(9) *Terms for repayment of special assessments.* The following terms shall be used in the repayment of special assessments:

- $ 0.00 - $ 500.00 — 90 days from date of receipt of invoice of final assessments without interest, or until the next property tax bill is due with interest accrued from the date of the final invoice.
- $ 501.00 to $5,000.00 — 90 days from date of receipt of invoice of final assessments without interest. If not paid in full, remaining balance will be added to the tax bill in 10 equal payments with interest accrued from the date of the final invoice for all types of construction.
- Over $5,000 — 90 days from date of receipt of invoice of final assessments without interest. If not paid in full, remaining balance will be added to the tax bill in 20 equal payments with interest accrued from the date of the final invoice for all types of construction.

a) Upon sale or conveyance by deed of any property subject to a special assessment which is authorized to be paid in installments and which has been placed on the tax roll, the entire amount of the special assessment then outstanding shall be immediately due and payable and shall not be assumed by the purchaser of the property, except as provided for in subsection (b) below. In the event of nonpayment, the entire outstanding special assessment balance shall be placed on the next ensuing tax roll and collected in the same manner as taxes upon real estate. Following such a conveyance, the city clerk shall make appropriate modifications to the city's special assessment roll and records to reflect such change. The entire balance of special assessments must be paid when property subject to a special assessment is divided by re-platting in a certified survey map or any portion of the land subject to a special assessment is sold or conveyed by a separate legal description.

b) The provisions of subsection (a) above shall not apply to any conveyance:

1. Which, executed for nominal, inadequate or no consideration, confirms, corrects or reforms a conveyance previously recorded.
2. Pursuant to mergers of corporations.
3. By a subsidiary corporation to its parent for no consideration, nominal consideration or in sole consideration of cancellation, surrender or transfer of capital stock between parent and subsidiary corporations.
4. Between husband and wife, parent and child, step parent and step child, parent and son-in-law or parent and daughter-in-law for nominal or no consideration.
5. Between agent and principal or from a trustee to a beneficiary without actual consideration.
6. Solely in order to provide or release security for a debt or obligation except as required by Wis. Stats. 77.22(2)(b).
7. By will, descent or survivorship.
8. Pursuant to or in lieu of condemnation.
9. Under a foreclosure or a deed in lieu of a foreclosure to a person holding a mortgage or to a seller under a land contract.
10. Between a corporation or partnership and its shareholders or partners if all of the stock is owned by, or all the partners are, spouses or lineal ascendants or descendants of each other, if the transfer is for no consideration except stock of the corporation or an interest in the partnership and if, in the case of transfers from corporations, the corporation owned the property for at least three years.
11. To a trust if a transfer from the grantor to the beneficiary of the trust would be exempt from this section.
12. Between a limited liability company and its shareholders if all of the stock is owned by, or all the partners are, spouses or lineal ascendants or descendants of each other, if the transfer is for no consideration except stock of the corporation or an interest in the partnership and if, in the case of transfers from limited liability companies the limited liability company owned the property for at least three years.

c) In the event that a parcel subject to special assessments is subdivided by plat or certified survey map and the remaining balance of special assessment due is in excess of $10,000, said balance may be divided among the newly created parcels on a prorated basis. Any prorated special assessments shall remain on the same payment schedule as the special assessments on the original parcel except if the prorated special assessment is $500 or less, in which case, the prorated special assessment shall be paid in full within 90 days of the date of proration or until the next property tax bill is due. Interest shall continue to accrue at the original rate for all prorated special assessments.

(d)

(Code 1982, § 8.16, ORD 1251, June 25, 2013)

Sec. 13-97. Reconstruction or replacement of sanitary or storm sewers, streets, and/or laterals

(1) Special assessments shall be levied for the reconstruction or replacement of improved streets, sewers and/or laterals based upon the estimated life for the streets, sewers and/or laterals being reconstructed or replaced as follows:

Improvement	*Estimated Life of Improvement*
Concrete pavement with curb and gutter	40 years
Asphalt pavement with curb and gutter	30 years
Sanitary Sewer Lateral	75 years
Asphalt Street with Ditches	25 years
Storm sewer lateral	75 years

(2) In the event that the streets, sewers and/or laterals being reconstructed or replaced have not existed for their full useful life as set forth in subsection (1) of this section, the cost to be assessed shall be prorated over such life on an annual basis

(3) The full cost of the streets, sewers and/or laterals to be reconstructed or replaced shall be levied in accordance with section 13-96 of this Code in the event the original cost was not assessed to the property.

(4) The entire cost of reconstruction or replacement of sanitary sewer mains shall be borne by the wastewater utility.

(Code 1982, § 8.16, ORD 1251, June25, 2013)

Sec. 13-98. Determination of assessments for street paving on corner lots.

Repealed
(ORD 1251, June 25, 2013)

Sec. 13-99. Special assessment rate for annexed property.

(1) Whenever municipal improvements have been or are hereafter installed in a street or highway which lies between the City of Marshfield and property not within the boundaries of the city, and where special assessments were not previously or cannot hereafter be levied against the abutting property lying outside of the city limits, and where such abutting property is hereafter annexed to the City of Marshfield, a charge shall be made for and levied upon such property as a special assessment which shall be equal to the cost of the installation of such improvements if the improvements were installed at the time of such annexation, less any payments previously made or applied, if the payments can be determined. Such charges shall then be collected by the City of Marshfield in the manner and under the terms then in effect in the City of Marshfield for special assessments levied for like improvements within the city limits, including the privilege of paying for such improvements in installments in the manner which may then be applicable.

(2) The petition for annexation, whether signed by all such property owners or not, and the annexation of the property concerned by the City of Marshfield, shall constitute an agreement on the part of all abutting property owners to pay such charges. No connection shall be permitted to any sanitary or storm sewer until and unless all such charges shall have been levied as set forth in subsection (1) of this section.

(3) Such charges, when collected, shall be deposited to the following accounts:

(a) The sanitary sewer charges to the account of the wastewater treatment utility.

(b) All other charges to the general funds of the city.

(Code 1982, § 8.17)

Secs. 13-100 Request for Relief from Special Assessment Charges

1) Purpose - The Common Council acknowledges that the levy of special assessments per Section 13-96 of the Municipal Code can result in extreme financial hardship in some instances. It therefore enacts this provision in order to provide necessary relief to persons affected by such a levy. It is the intent and purpose of the Common Council to mitigate the burden of such levies in cases where the loss of the homestead is a reasonable probability, while preserving the right for the ultimate collection of special assessments involved.

2) Definitions - Wherever in this section the following words or terms appear they have the meaning indicated, unless the context clearly requires otherwise:

   a) "Applicant" means a natural person owning and occupying a homestead against which special assessments are levied in an amount which, when considered with the overall financial condition of the person, will, within a reasonable probability, create an extreme financial hardship by the payment of such special assessments.

   b) "Committee" means the special assessment hardship review committee created under this section.

   c) “Deferment” means delayed repayment of special assessments.

   d) “Extended installments” means modifying the repayment terms as provided by the installment assessment notice for the specific special assessment.

   e) "Homestead" means the dwelling (primary residence only) and so much of the land surrounding it as is reasonably necessary for use as a home, except so much of such land as is vacant and of sufficient size so that it could be divided and sold for development as permitted under appropriate zoning and other regulations. Properties in whole or in part which are utilized as rental properties are ineligible for hardship provisions of this ordinance.

   f) “Income limits” shall mean limits as defined by Housing and Urban development Income limits Documentation System for the state of Wisconsin adjusted for the year and household size for “Low Income”, “Very Low Income” and “Extremely Low Income".

   g) "Special assessment" shall include assessments levied under s. 66.0701, Wisconsin Statutes.

3) Committee created - A special assessment hardship review committee is hereby created. The committee shall be comprised of the following members:
   - Mayor
   - Common Council, President
   - Board of Public Works, Chairperson
   - Finance, Budget & Personal, Chairperson
   - City Administrator
   - Finance Director
   - Director of Public Works

4) The committee may approve deferment of all or part of the assessment, or extended installments for:

   a) Cases in which the assessment represents a significant fraction of the value of the homestead property.

   b) Any relation to income or other conditions found by the committee which may, in the opinion of the committee, constitute an undue hardship on the homestead occupant.

5) Applications for a deferment or extended installments under this section shall be filed with the City Clerk in writing upon forms provided by the City within 60 days of the mailing of estimated special assessments. The written notice to the clerk shall state the reasons the owner of the homestead is requesting relief. If during the term of payment of annual installments, an extreme financial hardship arises, as a result of a substantial change in ability to pay due to facts not in existence at the time of the original application period, a homestead property owner may submit an application for hardship consideration in the same manner as described here in.

   a) The application shall be received by the City Clerk and forwarded to the committee for evaluation and action.

   b) The minimum special assessment amount for an application shall exceed $5,000 for residential property.

c) The committee may require that an applicant appear before it to answer questions of the committee regarding the application.

d) The committee may seek further information from the applicant if the committee deems it necessary.

e) The committee shall consider the applicant's net worth and payment obligations, amount of proposed special assessments, and other factors relating to a determination. The committee shall thereafter make its determination.

f) As general guidance for consideration of extended installment terms for repayment of special assessment:

- Low Income 20 years
- Very Low Income 25 years
- Extremely Low Income 30 years

6) Application Fees – The applicant shall submit an application fee as noted within the application to cover recording fees associated with the recording of the lien on the subject property as required. Applications which are denied shall have their fees returned.

7) Interest - Interest on the amount of special assessment deferred shall be imposed at the same rate as set for the project by the Finance Budget and Personal Committee and approved by the Common Council.

8) Tax roll - notice; lien retained. The City Clerk shall record a document with the office of register of deeds containing a description of the property affected; the amount of special assessment deferred or extended installments, and any other appropriate information. Such amount, and interest thereon, shall not be placed on the tax roll until the conditions contained in subsection (9) occur. Nothing provided in this section shall be deemed to extinguish or otherwise affect any lien established by law for the collection of any deferred special assessment, and any such lien is expressly retained.

9) Extended installments or deferred payment of special assessments when no longer eligible - Upon transfer of title of such property by any means or refinancing of subject property, the outstanding special assessment balance, deferred or otherwise, and accrued interest, shall become due and payable in full. Upon payment in full, an appropriate satisfaction of payment shall be issued by the Finance Director and recorded in the office of register of deeds.

10) Payment to discharge lien - The owner of property affected, or the heirs, personal representative or assigns of such owner, may discharge the lien of such special assessment at any time by paying the outstanding amount of special assessment owing, plus accrued interest.

11) Non Waiver - The approval of an application by the committee under this section shall not be deemed to be a waiver of the requirement that, in the event of an appeal of a special assessment under s. 66.0703 (12), Wisconsin Statutes, the amount of the assessment shall be paid in full as a condition to the maintenance of said appeal, as provided by s. 66.0703 (12) (f), Wisconsin Statutes.

a) The approval of an application under this section shall not be deemed to waive the right of the City to reassess any invalid special assessment under the provisions of s. 66.0731, Wisconsin Statutes.

12) Review of application - The committee shall review applications for deferral of or extended installments of special assessments to determine eligibility under this section and shall provide justification for approval or denial of the application.

13) Appeal - Applicants dissatisfied with the decision regarding deferral or extended installments may appeal the decision to the Common Council, by written notice filed with the City Clerk. If there is an appeal, the City Administrator or his/her designee shall inform the Common Council of the basis of the committee's decision. The Common Council shall review the matter and, at its sole discretion, either affirm the committee's decision or elect to amend or modify the terms of extension installments or deferment of special assessments.

14) Simplified Annual Review – Approved applicants shall be required to submit information on an annual basis as determined by the committee. Failure to complete the annual review per the terms set forth by the committee may result in loss of extended installments or deferred payments of special assessments.

15) Placement on roll - When a determination is made by the committee that an applicant no longer qualifies for a special assessment hardship due to a change of circumstances since the original application, the amount of special assessments deferred or extended installments, and accrued interest, shall be placed upon the next available tax roll to be collected in the same manner as special assessments per the original installment assessment notice for the project being special assessed.

Secs. 13-101—13-125. Reserved.

Article V. Trees and Shrubs

Sec. 13-126. Trees and shrubs.

(1) *Purpose.* The intent of this section is to regulate and control the planting, transplanting, removal, maintenance and protection of trees and shrubs in the city and to eliminate and prevent conditions which may result in injury to persons using the streets, sidewalks and public areas and property of the city.

(2) *Application.* This section shall apply to any trees, shrubs or plants growing or to be planted in any premises owned and controlled by the city or upon private premises where they threaten lives, health, safety or welfare of persons or property.

(3) *Administration.* The director of public works shall administer the provisions of this section.

(4) *Definitions.* As used in this section:

Director of public works includes any person designated by him to act as his agent.

Private trees and shrubs means all trees or shrubs located or to be planted on any lands which are not owned or controlled by the city.

Public trees and shrubs means all trees or shrubs located or to be planted on any park, playground or other property owned or controlled by the city or on any public street, alley, sidewalk or highway within the public right-of-way.

(5) *Care of public trees and shrubs.* Care of public trees and shrubs shall be in accordance with the following:

(a) *Permit required.* A permit shall be required as follows:

1. No person shall plant, transplant, move, spray, brace, trim, prune, cut above or below ground, disturb, alter or do surgery on a public tree or shrub within the city, or cause such acts to be done by others, without first obtaining a written permit from the director of public works or street supertendent.

2. Exceptions. No permit shall be required to cultivate, fertilize or water public trees or shrubs. Authorization may be given to do any work or act described in subsection (5)(a)1 of this section without a written permit whenever it is determined that such work or act will not be detrimental to the public interest and will be in accord with the provisions of this section.

3. Emergencies. If an emergency affects trees or shrubs so that the health, safety or welfare of persons or property is endangered, then whatever immediate action is necessary may be taken. The director of public works shall be notified as soon as is reasonably possible after the emergency has been abated.

(b) *Granting permits.* The procedure for granting permits shall be as follows:

1. If it is determined that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this section, taking into account the safety, health and welfare of the public, location of utilities, public sidewalks, driveways and streetlights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological needs of the species or variety of tree or shrub, a permit shall be issued to the applicant.

2. The species, location and spacing of public trees and shrubs shall be in accordance with regulations adopted by the director of public works and approved by the council.

3. As a condition of granting any permit to remove a public tree or shrub, the permittee may be required to plant one or more trees or shrubs in place of the one removed.

(c) *Form; expiration; inspection.* Permits shall be issued by the director of public works on forms prepared by him and shall include a description of the work to be done and shall specify the species or variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work done under such permit must be performed in accordance with the terms thereof. Permits issued under this subsection shall expire six months after date of issue.

(d) *Permits to public utilities.* Whenever a permit is issued under this section to a public utility to move, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the director of public works shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit, and the expense of such inspection or supervision shall be charged to the utility.

(6) *Injury to trees and shrubs.* No person shall without the consent of the owner in the case of a private tree or shrub, or without a written permit from the director of public works in the case of a public tree or shrub, do, or cause to be done by others, any of the following acts:

(a) Secure, fasten or run any rope, wire, sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.

(b) Break, injure, mutilate, deface, kill or destroy, or permit any fire to burn where it will injure any tree or shrub.

(c) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied on or about any tree or shrub.

(d) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby public trees or shrubs which may be injured by such operations.

(e) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub designed to permit access of air, water and fertilizer.

(7) *Maintenance of trees and shrubs.* Maintenance of trees and shrubs shall be in accordance with the following:

(a) *Trees to be kept trimmed over streets, alleys, public lands, sidewalks and multi-use paths and trails.* Trees and shrubs standing upon any private premises adjacent to any public street, alley (where vehicles or trucks may come in contact with over-hanging branches), multi-use path and/or trail, or park, playground shall be kept trimmed by the owner so that the lowest branches projecting over the public area provide a clearance of not less than 13- 1/2 fee. Where a private tree is adjacent to an unopened right of way and/or where a private tree is over a public sidewalk, all over-hanging branches shall be kept trimmed to a minimum of 8 (eight) feet.These provisions may be waived for newly planted trees if it is determined that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety. Any tree or shrub not so trimmed is a public nuisance.

(b) *Obstruction of view at intersections prohibited.* Obstruction of the view at intersections is prohibited as follows:

1. Intersections where traffic devices are not installed. At all intersections where traffic devices are not installed, a sight triangular area at all corners shall be established by measurements along intersecting street centerlines, and within the sight triangular area and within the setback area

along the street between corners no person shall install, set out, maintain or allow the installation, setting out or maintenance of any hedges, shrubbery, natural growth or fence higher than three feet above the level of the center of the adjacent intersection. This shall not apply to trees trimmed to the trunk to a line at least eight feet above the level of the center of the intersection or saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave a clear and unobstructed cross-view. The triangular area shall be determined by connecting points on the street centerlines which are 90 feet from the intersection of the centerline. For purposes of this subsection, the term "traffic devices" shall include only stop signs and traffic control signals as defined by the Wisconsin Statutes.

2. Intersections where traffic devices are installed. At all intersections where traffic devices are installed, a sight triangular area at all corners shall be established by measurements along intersecting street centerlines, and within the sight triangular area and within the setback area along the street between corners no person shall install, set out, maintain or allow the installation, setting out or maintenance of any hedges, shrubbery, natural growth or fence higher than three feet above the level of the center of the adjacent intersection. This shall not apply to trees trimmed to the trunk to a line at least eight feet above the level of the center of the intersection or saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave a clear and unobstructed crossview. The triangular area shall be determined by connecting points on the street centerlines which are 90 feet from the intersection of the centerline as to through streets. The triangular area shall be determined by connecting points on the street centerlines which are 60 feet from the intersection of the centerline, as to all other streets. For purposes of this subsection, the term "traffic devices" shall include only stop signs and traffic control signals as defined by the Wisconsin Statutes.

(c) *Maintenance of public trees and shrubs.* The director of public works shall plant, trim, spray, preserve, renew and remove public trees and shrubs or cause such work to be done as may be necessary to ensure the safety or preserve the symmetry and beauty of public streets or grounds and to protect public sidewalks, streets, sewers and mains from damage or injury.

(d) *Regulation of private trees and shrubs.* Whenever any tree or shrub or part thereof growing or located upon private premises is a public nuisance or endangers the life, health, safety or property of the public, or is infested with parasites or insect pests or disease which may spread to public trees and shrubs, the director of public works shall take action to abate such nuisance, pursuant to chapter 11 of this Code.

(8) *Interference prohibited.* No person shall prevent, delay or interfere with the city or its agents, employees or servants while they are engaged in carrying out any work or activities authorized by this section.

(9) *Cost of work.* The cost of work done by the city shall be paid as follows:

(a) In the case of private trees or shrubs, the entire cost of any work which the city may do or have done in accordance with this section or established policy of the city, or because of an emergency, shall be paid by the property owner.

(b) An accurate record of the costs of the work shall be kept and a report made to the director of public works. The property owner shall be billed for such costs and if payment is not made therefor within 30 days, the amount thereof shall be entered in the new tax roll as a special tax against such real estate.

(Code 1982, § 8.10)

Chapter 14
MUNICIPAL UTILITIES

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Article I. In General

Sec. 14-01. Agreement to comply with municipal utility operating rules.

All persons now receiving utility service from the city, or who may hereafter make application therefor, shall be considered as having agreed to be bound by all utility rules and regulations as filed with the Wisconsin Public Service Commission.

(Code 1982, § 13.01)

Sec. 14-02. Public service commission rules adopted.

The provisions of ch. PSC 185, Wis. Admin. Code, are adopted by reference and made a part of this chapter as if set forth in full. A violation of any of such rules shall constitute a violation of this section and shall be punishable as provided in section 14-37 of this chapter.

(Code 1982, § 13.02)

Sec. 14-03. Construction requirements.

(1) *Permit required.* No construction, alteration or repair of any utility facility, except as herein provided, shall be done or made until after a permit for such construction, alteration or repair has been granted by the city engineer. A separate permit will be required for each project, address, incident or location.

   (a) A fee of $5.00 shall be charged for each permit.

   (b) The permit fee shall include up to one hour of inspection. If, in the judgment of the city engineer, more inspection is determined to be necessary, then the permittee shall be responsible for the actual cost of such additional inspection.

(2) *Map.* In the case of new construction, the request for a permit shall be accompanied by a map, sketch or plans of the proposed installation.

(3) *Contents of permit.* In the case of alteration or repair of an existing facility, the request for a permit shall state the nature and extent of such alteration or repair in sufficient detail to make the alteration or repair clear.

(4) *Emergency work.* If an emergency requires repair or alteration of a facility before the city engineer can act upon a request for a permit, the utility may proceed with such repair or alteration without a permit, providing all applicable provisions of this section are complied with and providing further that a request for approval of such repair or alteration be submitted to the city engineer at the first business day following this emergency.

(5) *Prior license.* Facilities for which permits are issued shall not interfere with or disturb in any way any existing facilities of the city or facilities of any other public or private utility having prior license or permission to install such facilities.

(6) *Liability for damage.* The permittee shall be liable for any damage to, or disruption of, any existing facilities of either the city or other licensed public or private utility, and in applying for and accepting the permit required in subsection (1) of this section, agrees to waive any applicable statute of limitations for such damage or disruption.

(7) *Notices required.* The permittee shall cause proper advance notice to be given to the fire department and police department, in reasonably sufficient time, where any street, alley, or other public ways will be closed for construction purposes.

(8) *Construction to be done expeditiously.* The work shall progress in such manner as to cause such street, alley or public way to be closed the shortest possible period of time.

(9) *Location of facilities.* The exact location of the proposed facilities shall be determined by consultation with the board of public works or the city engineer, and the permittee shall furnish to the city, upon completion of the work, a map showing the exact location, the size and depth of all subsurface facilities installed.

(10) *Backfilling.* Any trench or excavation made within any street, alley or other public way shall be backfilled in accordance with regulations prepared by the city engineer and approved by the board of public works. The board may hold a public hearing on the proposed regulations if it deems it necessary, and notice of such hearing shall be given as the board shall determine. Upon approval of the proposed regulations by the council and published, in the same manner as ordinances are approved and published, the regulations shall have the same force and effect as any other provision of this section and any violation thereof shall subject the permittee to the same penalty provided for in section 14-37 of this Code. The regulations may be changed or amended in the same manner.

(11) *Restoring surfaces.* For the restoration of surfaces, see section 13-33 of this Code.

(12) *Application for permit.* All requests for permits shall be made in writing to the city engineer and shall include a statement that the permittee agrees to be bound by the provisions of this section if the permit is granted.

(13) *Exceptions.* No permits shall be required for the installation or replacement of less than three poles, where such poles are or will be adjacent to each other.

(14) *Nonliability of city.* The permit required by this section is intended to be in the nature of a license for the purposes stated in this section, and nothing contained in this section shall cause the city to become liable or responsible for any damage or injury caused through or because of the installation of any facility hereby permitted, and the permittee shall hold and save the city harmless from any such liability which might be or could arise out of the installation.

(Code 1982, § 13.05)

Sec. 14-04. Compulsory connection to sewer and water.

(1) *Notice to connect.* Whenever the public sewer or water system becomes available to any public, commercial, mercantile or business building or any building used for human habitation, the director of public works shall notify in writing the owner, agent or occupant thereof to connect thereto all facilities used for human habitation. If the person to whom notice has been given fails to comply within 30 days after notice, the director of public works shall cause the necessary connections to be made; and the expense thereof shall be assessed as a special tax against the property pursuant to § 281.45 Wis. Stats. Such connection shall be subject to applicable plumbing permits and inspection by the plumbing inspector.

(2) *Exception.* Owners of property within the city limits upon the effective date of this ordinance and having buildings used for human habitation served by a private well at the time water main becomes available shall not be required to connect to the public water main until a change in ownership of the property occurs, or upon failure of the private well, whichever occurs first. Property owners served by a private well that have water main available on the effective date of this ordinance shall not be required to connect to the public water main until a change in ownership of the property occurs, or upon failure of the private well, whichever occurs first.

(3) *Deferred payment.* If connection to public sewer and water is made at city expense and assessed as a special tax against the property, the owner or his agent or the occupant may, within 30 days after the completion of the work, file a written option with the finance director electing to pay the amount of the assessment in five equal annual installments with interest on the unpaid balance at such amount as may be determined, from time to time, by the council.

(4) *Privies and waterless toilets prohibited.* After connection of any building to a sewer main hereunder, no privy or waterless toilet shall be used in connection with such building.

(Code 1982, § 13.07; Ord. No. 1043, § 1, 2-22-2005)

Sec. 14-05. Water and sewer extension outside corporate limits.

No water or sewer service shall be extended to any person or premises outside the corporate limits of the city, except as specifically authorized by the council.

(Code 1982, § 13.08)

Sec. 14-06. Interpretation and execution.

The manager of utilities shall be responsible for the interpretation and execution of the provisions of this chapter, except the wastewater utility, subject to the supervision of the utility commission.

(Code 1982, § 13.22)

Sec. 14-07. Overhead to Underground Conversion.

Marshfield Utilities may convert its existing overhead electric facilities located on private property and those interconnected facilities located on public right-of-way to underground in existing subdivisions and thereby designate the subdivision as underground, including adjacent public right-of-way. Once notice of such designation is provided to other utilities, the other utilities will have 12 months to complete their conversion to underground facilities. Any existing underground subdivisions will be designated as such by Marshfield Utilities. The other utilities will have 12 months to convert their facilities to underground in those locations.

(ORD 1268 3/11/14)

Secs. 14-8—14-35. Reserved.

Article II. Administration Enforcement

Sec. 14-36. Marshfield Utility Commission.

(1) *Created.* There is hereby created a Marshfield Utility Commission which shall take entire charge of and manage the Marshfield water and electric utility and the communications utility, appoint a manager or superintendent and fix his compensation and supervise the operation of the utility under the general control and supervision of the council.

(2) *Membership.* The commission shall be composed of five members who shall be city residents, none of whom shall be a member of the council or a city officer. The commissioners shall be elected by the council for a term of five years and until their successors are elected and qualify, beginning on October 1 of each year, except that the terms of the commissioners first elected shall expire successively one each year on each succeeding October 1.

(3) *Organization and operation.* The commissioners shall select a president and a secretary. They shall have the services of the city engineer and may employ and fix the compensation of such subordinates as necessary. The commissioners shall make rules for their proceedings and their department and keep books of account as prescribed by the public service commission, which shall be available to the public. They shall keep full and accurate minutes of their proceedings and transactions, and make a monthly report to the council and such other reports as the council may require.

(4) *Compensation.* The commissioners shall be entitled to such compensation as may be authorized by the council.

(5) *Powers.* The commission shall have such general powers in the construction, extension, improvement and operation of the utility as designated by ordinance or resolution of the council or by the laws of the state, and shall have the authority to expend up to $25,000.00 on any specific improvement or purchase without approval of the council.

(6) *Departmental expenditures.* Departmental expenditures shall be audited monthly by the commission, and when approved, a voucher schedule shall be prepared and certified to the city clerk by the president and secretary that the claims listed therein have been authorized for payment. There shall be further certifications on the schedule whether or not funds are available for payment of the claims as listed. Order checks shall then be prepared by the utility and entered upon the books of the utility, after which they shall be signed by the utility manager and transmitted to the city clerk and finance director for their signatures as provided by § 66.0607(4) Wis. Stats. The mayor's signature shall not be necessary to validate such order checks.

(7) *Reports.* The manager of the Marshfield utility shall record and report at each regular meeting of the council all of the transactions of his department for the preceding calendar month, in such form as may be required by the council.

(8) *Receipts.* All funds due and owing to the utility from all sources shall be paid directly to the utility.

(Code 1982, § 13.03; Ord. No. 1036, § 1, 11-23-2004; Ord. No. 1036, § 2, 11-23-2004)

Sec. 14-37. Penalty.

Any person who shall violate any provision of this chapter, except section 14-70, or any regulations, rules or orders made under this chapter shall be subject to a penalty as provided by section 1-05 of this Code, except as otherwise expressly provided in this chapter.

(Code 1982, § 13.35)

Secs. 14-38—14-60. Reserved.

Article III. Sewers and Sewage Disposal

Sec. 14-61. Wastewater Utility.

(1) *Establishment.* The city sanitary sewer system is constituted a municipal public utility as defined in § 66.0801 Wis. Stats. and shall be known as wastewater utility. It shall be a division of the department of public works of the city and shall be under the management and control of the board of public works.

(2) *Generally.* The city shall levy and collect sewer service charges upon all lots, lands and premises served or benefitted by the sanitary sewer system, including all construction for the collection, transportation, pumping, treatment, and final disposition of sewage, and consisting generally of pipes, conduits, manholes, sewer mains, intercepting sewers and pumps, facilities for the treatment and disposal of raw sewage, where such facilities are operated directly by the city or provided under statutory or contractual provisions, and the furnishing of such facilities creates or imposes a cost or charge upon the city for the services afforded by such facilities.

(3) *Disposition of funds.* The funds received from sewerage service charges shall be deposited at regular intervals in a depository account, which account shall show all the receipts and expenditures of the wastewater utility. When appropriated by the council, the credit of the account shall be available for payment of operation, maintenance, repair and depreciation costs. Any surplus in this account shall be available for the payment of the principal and interest of bonds issued and outstanding or which may be issued, to provide funds for the wastewater utility or part thereof, and all or part of the expenses for additions and improvements and other necessary disbursement or indebtedness. The council may appropriate money from the general fund to cover any deficiency in the wastewater utility account.

(Code 1982, § 13.15)

Sec. 14-62. Definitions.

As used in this chapter, the terms, words and phrases shall be defined as follows:

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (mg/l) with determinations made in accordance with procedures set forth in Standard Methods.

Board of public works of the City of Marshfield means that committee duly appointed by the mayor.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside of the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Category A means sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 250 mg/l and suspended solids no greater than 250 mg/l.

Category B means those sanitary sewer users who discharge wastewater having pollutant concentrations in excess of 200 mg/l for BOD and 250 mg/l for suspended solids, 40 mg/l for total Kjeldahl nitrogen (TKN), or seven mg/l for total phosphorus (P). Users whose wastewater exceeds the concentration for either of these parameters shall be category B.

Chlorine requirement means the amount of chlorine in milligrams per liter (mg/l) which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in Standard Methods.

City means the City of Marshfield.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Compatible pollutants means BOD5, suspended solids, phosphorus, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants and in fact do remove such pollutants to a substantial degree.

County means Wood County and/or Marathon County, Wisconsin.

Easement means an acquired legal right for the specific use of land owned by others.

Engineer means the city engineer or his duly authorized representative.

EPA means the United States Environmental Protection Agency.

Floatable oil means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater if discharged to a wastewater treatment facility.

Industrial waste means liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Major contributing industry means an industry that:

(1) Has a flow of 50,000 gallons or more per average workday.

(2) Has a flow greater than five percent of the flow carried by the municipal system receiving the waste.

(3) Has a material in its discharge included on a list of toxic pollutants issued under Wisconsin Administrative Code NR chapter 215.

(4) Has significant impact, either singularly or in combination with other contributing industries, on the treatment works or the quality of its effluent.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body or to the surface water or groundwater.

Normal domestic strength wastewater means wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 250 mg/l, total Kjeldahl nitrogen no greater than 40 mg/l, or total phosphorus no greater than seven mg/l.

Operation and maintenance costs means all costs associated with the operation and maintenance of the wastewater collection and treatment facilities as well as the costs associated with periodic equipment

replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

Parts per million shall be a weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person means any individual, firm, company, association, society, corporation or group, institution, enterprise, governmental agency or other entity.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Plant superintendent means the wastewater treatment plant superintendent or his authorized representative.

Properly shredded garbage means wastes from the preparation, cooking or dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting property have equal rights and which is controlled by the city.

Replacement costs means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works are designed and constructed.

Operation and maintenance costs include replacement costs.

Sanitary sewage means a combination of water-carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such groundwaters, surface waters and stormwaters as may be present.

Sanitary sewer means a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewer means a pipe or conduit for carrying sewage.

Sewer service charge means a service charge levied on users of the wastewater collection and treatment facilities for payment of capital-related expenses, including interest on indebtedness, as well as operation and maintenance costs of such facilities. User charge, which covers operation and maintenance and replacement costs is a part of the sewer service charge.

Shall is mandatory; *may* is permissive.

Slug means any discharge of water, wastewater or industrial waste which is a concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

Standard Methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Storm drain and storm sewer mean a sewer which carries stormwaters and surface waters and drainage, excluding sewage and industrial wastes.

Stormwater runoff means that portion of the rainfall that is drained into the sewers.

Suspended solids means solids that either float on the surface of, or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering as prescribed in Standard Methods.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

User charge means a charge levied on users of the wastewater collection and treatment facilities as a part of the sewer service charge for payment of operation and maintenance costs of such facilities.

Utility means the wastewater utility of the city.

Wastewater means a combination of the water-carried wastes from residences, business places, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Wastewater facilities means all facilities for collecting, pumping, treating and disposing of sewage.

Wastewater treatment plant means any arrangement of devices and structures used for treating sewage.

Watercourse means a channel in which a flow of water occurs either continuously or intermittently.

WPDES or *Wisconsin Pollutant Discharge Elimination System permit* means a document issued by the department of natural resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. WPDES permit no. WI-0021024 and modifications thereof pertain to the wastewater treatment facility in the city.

(Code 1982, § 13.04)

Sec. 14-64. Right of entry, safety, and identification.

(1) The engineer, plant superintendent, or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter any property or structure at reasonable times for the purposes of inspection, observation, measurement or testing. The engineer, plant superintendent, or their representatives shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private premises referred to in subsection (1) of this section, duly authorized city employees shall observe all safety rules applicable to the premises established by the company and the city shall indemnify the company against loss or damage to its property by city employees and against the liability claims and demands for personal injury or property damage asserted against the company and growing out of gauging and sampling operations and indemnify the company against loss or damage to its property by city employees, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(3) The engineer, plant superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of the agreement.

(Code 1982, § 13.09)

Sec. 14-65. Differences of opinion.

The board of public works of the city shall arbitrate differences between the engineer and/or wastewater treatment plant superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the engineer and/or plant superintendent.

(Code 1982, § 13.10)

Sec. 14-66. Sewer connections.

(1) *Connections to public sewers.* Every existing building with installed plumbing fixtures and intended for human occupancy, located adjacent to a street in which there is public sewer service, shall be connected to the public sewer by means of individual connections or private interceptor mains, except as provided by subsection (5) of this section. Any connection to available sewer services delayed by a moratorium on sewer connections will be completed within 60 days of the termination of such moratorium.

(2) *Payment of fees.* Payment of fees shall be as follows:

(a) No person shall connect, cause or allow to be connected to any sewer main in the city without first paying to the city a fee established by the board of public works and approved by the council.

(b) Such fee shall be paid at the time the sewer connection permit is obtained and shall be in addition to any other charges, permits or fees already established, except as hereinafter provided. Such fees shall be credited to the wastewater utility account.

(3) *Connection requirements.* Except as provided in subsection (4) of this section, there shall be no connection, either by a sewer or by other means, between a public sanitary sewer and an excavation or basement for any structure until the structure is completely roofed and the excavation around the basement is backfilled to grade. Backfill may be omitted in the area in which the sanitary sewer connection is to be made.

(4) *Extensions.* The plumbing inspector shall provide permits and allow for the extension of a sanitary sewer and water lateral from the street mains to a structure provided the structure end of the sanitary sewer is effectively plugged against the entrance of clear water and debris with a device as has been approved by the board.

(5) *New connections.* New connections to the city's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

(Code 1982, § 13.24; Ord. No. 1096, § 1, 3-27-2007)

Sec. 14-68. Basis for sewer service charges.

(1) *Sewer users served by water utility water meters.* A sewer service charge based, in part, on the quantity of water used as measured by the water utility water meter used upon the premises is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility.

(2) *Sewer users served by private wells.* If any person discharging sewage into the public sanitary sewer system procures any part or all of his water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these other sources. Where sewage meters are already installed the water meters will not be required. Any person requiring such meter shall be responsible for the furnishing and installation of the necessary meters after the approval of plans for the

installation by the utility superintendent. Until such time as a water meter as required in this chapter is installed, such sewer user shall be billed by the utility for an average use of 2,000 cubic feet per quarter. The sewer user shall obtain the meter described in this subsection and have it installed within 60 days from the date the sewer user is attached to the sewer system.

(Code 1982, § 13.16)

Sec. 14-69. Amount of sewer service charges.

(1) Sewer service charge unit costs. The unit costs for the sewer service charge system are as follows:

(a) Category A sewer service charge. The sewer service charge for category A sewer users is as follows:

	Effective 01/01/15	Effective 01/01/16
Fixed monthly charge	$18.35	$18.45
Volume charge	$4.04/100 cu. Ft. $5.40/1000 gal.	$4.11/100 cu. Ft. $5.50/1000 gal.

(b) Category B sewer service charge. The sewer service charge for category B sewer users is as follows:

	Effective 01/01/15	Effective 01/01/16
Fixed Monthly Charge	$18.35	$18.45
Volume Charge	$4.04/100 cu. Ft.	$4.11/100 cu. Ft.
Surcharges:		
BOD greater than 200/mg/I=	$0.66/lb.	$0.66/lb.
Suspended Solids greater than 250 mg/I =	$0.54/lb.	$0.54/lb.
TKN greater than 40 mg/I	$0.87/lb.	$0.87/lb.
P greater than 7 mg/I	$7.26/lb.	$7.26/lb.

(2) Category B limitations and penalties. Category B limitations and penalties shall be as follows:

(a) The calculated pounds of five-day biochemical oxygen demand (BOD) discharged by category B sewer users to the city's wastewater collection and treatment facilities shall be limited to 1,600 pounds per day based on a 24-hour flow proportional composite sample (milligrams per liter) analysis and the user's measured volume.

(b) If the category B sewer user exceeds the BOD limit on any given day during the billing period, the city shall assess a penalty charge to the category B sewer user for exceeding the limit on each of those given days during the billing period. The penalty charge shall be two times the amount of BOD surcharge established pursuant to this section. This penalty charge shall be assessed to any BOD measured above 200 mg/l on those days that the BOD limit was exceeded by the category B sewer user and shall apply to that portion not already assessed in volume charge.

(c) In addition, the category B sewer user is subject to any penalties or fines pursuant to ss. 14-37 and 14-73 of this Code, which are deemed appropriate by the city as a result of exceeding the BOD limitation.

(Code 1982, § 13.17; Ord. No. 967, § 1, 2-25-2003; Ord. No. 1033, § 1, 10-12-2004; Ord. No. 1060, § 1, 10-11-2005; Ord. No. 1140, § 1, 10-28-2008; Ord. No. 1214, § 1, 10-26-2011; Ord. No. 1237, § 1, 2, 10-23-2012; ORD 1290, 10/28/14;Ord No. 1322, 11/10/15)

Sec. 14-70. Billing.

(1) *Billing period.* Sewer service charges shall be billed separately from the water bill on a monthly basis.

(2) *Payment.* Sewer service charges shall be due on the first of the month following the period in which the service is rendered and shall be payable by the 16th of that month at the office of the finance director. Failure to receive a bill shall not exempt or excuse the consumer from the obligation to pay for the service rendered.

(3) *Penalties.* Charges levied in accordance with this chapter shall be a debt due to the city and shall be a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person or both. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(Code 1982, § 13.19)

Sec. 14-71. Damage to or tampering with wastewater facilities.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any persons violating this section shall be subject to the penalties provided by section 1-05 of this Code.

(Code 1982, § 13.20)

Sec. 14-72. Use of public sewer.

(1) *Restricted.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, unpol-luted industrial process waters, cistern overflow or foundation drainage to any sanitary sewer.

(2) *Discharge of unpolluted waters.* Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the engineer, to a storm sewer or natural outlet. Such approval is subject to review by the department of natural resources, division of environmental protection.

(3) *Other discharges.* Other discharges shall be prohibited or restricted as follows:

(a) *Prohibited.* Prohibited discharges are the following:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plan.

3. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment plant.

4. Solid or viscous substances in quantities or of such size as are capable of causing obstruction of the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, leaves, grass clippings, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, plastics, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, papers dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(b) *Restricted.* No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the engineer or plant superintendent that such wastes can harm either the sewers, wastewater treatment plant or equipment or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, property or constitute a nuisance. In forming their opinions as to the acceptability of such wastes, the engineer and plant superintendent shall give consideration to the factors of the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

2. Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 25 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.

3. Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the engineer or plant superintendent. A permit shall be obtained from the plumbing inspector prior to the installation of any such commercial garbage grinder unit. The fee for such permit shall be $2.00.

4. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the wastewater treatment plant exceeds limits established by the engineer or plant superintendent for such materials.

5. Any waters or wastes containing odor-producing substances in a concentration that exceeds limits which may be established by the board, or any waters or wastes which release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the engineer or plant superintendent in compliance with state or federal regulations.

7. Materials which exert or cause:

   a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

   b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

   c. BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.

   d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in section 14-62.

8. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the department of natural resources, division of environmental protection.

(4) *Industrial discharges.* If any waters or wastes are discharged, or proposed to be discharged, to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in subsection (3) of this section, and which in the judgment of the engineer or plant superintendent may have deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the engineer or plant superintendent may:

(a) Reject the wastes.

(b) Require pretreatment to an acceptable condition for discharge to the public sewers.

(c) Require control over the quantities and rates of discharge.

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer service charges under the provisions of section 14-69.

(5) *Submission of information.* If the engineer permits pretreatment or equalization of waste flows the design and installation of the plant and equipment shall be subject to the requirements of all applicable codes, ordinances and laws, and any other amendments that might be made by Congress or any regulatory changes that might be made by the U.S. Environmental Protection Agency.

(6) *Interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the engineer or plant superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type readily and easily accessible for cleaning and inspection.

(7) *Preliminary treatment or flow equalization facilities maintenance.* Where preliminary treatment or flow equalization facilities are provided for any water or wastes they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) *Control manholes.* Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the engineer or plant superintendent. If measuring devices are to be permanently installed they shall be of a type acceptable to the engineer or plant superintendent. Control manholes, access facilities and related equipment shall be installed by the person discharging the waste at his expense and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the engineer or plant superintendent prior to the beginning of construction.

(9) *Measurement of flow.* The volume of flow used for computing the sewer service charge shall be the metered water consumption of the person as shown in the records of meter readings maintained by the city water department except as noted in subsection (11) of this section.

(10) *Provision for deductions.* Where unpolluted water can be discharged to a storm sewer or surface drainage and where such discharge can be measured by a water meter, it may be deducted from meter consumption for purposes of sewer service charge billing. Persons requesting such deductions shall be responsible for the furnishing and installation of the necessary meters after approval of plans for each installation by the plumbing inspector.

(11) *Metering of waste.* Devices for measuring the volume of waste discharged may be required by the engineer or plant superintendent if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation such meters may not be removed without the consent of the engineer or plant superintendent.

(12) *Data required for connections.* All industrial users discharging wastes to a public sewer shall prepare and file with the plant superintendent a report that shall include pertinent data relating to the quantity and characteristics of the actual or predicted wastes discharged to the wastewater works on forms supplied by the utility.

(13) *Standard examination methods adopted.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest approved edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. If no special manhole has been provided, the control manhole shall be considered to be the nearest downstream manhole and upstream manhole in the public sewer to the point at which the building manhole is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, health and property. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the plant superintendent. The utility may also make its own analyses on the wastes and these determinations shall be binding as a basis for sewer user charges.

(14) *Pretreatment.* Where it is necessary to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined by the board to render his wastes acceptable for admission to the public sewers.

(15) *Grease and/or sand interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the plumbing inspector, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (b) of this section, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the plumbing inspector and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal for review by the plumbing inspector. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

(16) *Provisions regarding holding tank and portable toilet wastewater.* Holding tanks and portable toilet wastewater are subject to the following:

(a) *Generally.* No person owning holding tank pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the city's wastewater collection and treatment works unless such person shall first have applied for and received a truck discharge operation permit from the city. All applicants for a truck discharge operation permit shall complete such forms as required by the city, pay appropriate fees, and agree in writing to abide by the provisions of these rules and regulations and any special conditions or regulations established by the city. The owners of such vehicles shall affix and display the permit number on each vehicle used for such purposes. Such permits shall be valid for a period of one year from the date of issuance. The city shall designate the location and time where such trucks may discharge. The city may refuse to accept any truckload of waste in its absolute discretion when it appears that the waste could have an adverse effect on the wastewater collection and treatment works, the wastewater treatment processes, and/or any sewer or appurtenances.

(b) *Sewer service charges.* The wastewater haulers shall pay the city for wastewater treatment and disposal. This charge shall consist of the following:

	Effective 01/01/5	*Effective 01/01/16*
Holding tank waste:		
Volume charge	$12.72/100 cu. ft. or $17.00/1000 gal.	$12.79/100 cu. ft. or $17.10/1000 gal.
Portable toilet waste:		
Volume charge	$39.09/100 cu. ft. or $52.25/1000 gal.	$39.24/100 cu. ft. or $52.45/1000 gal.
Septic tank waste:		
Volume charge	$74.06/100 cu. ft. or $99.00/1000 gal.	$74.43/100 cu. ft. or $99.50/1000 gal.

(c) *Payment.* The city shall bill each wastewater hauler for sewer service charges on a monthly basis. Sewer service charges shall be due on the first of the month following the period in which the service is rendered and shall be payable by the 16th of the month at the office of the finance director. Failure to receive a bill shall not exempt or excuse the person from the obligation to pay for the service rendered. Charges levied in accordance with these rules and regulations shall be a debt due to the city and shall be a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable it shall be deemed delinquent and may be recovered by civil action in the name of the city against the wastewater hauler. Each load logged through the computerized gate report will be billed at a rate of 95 percent of the total tank gallonage volume of that specific vehicle. In the event a truck tank is replaced, the firm must reestablish a full truck volume amount. The firm must, at its expense, provide the city with a full truck and an empty truck scaled weight to determine the new volume. The weighing procedures shall be conducted as instructed by the city.

(d) *Wastewater analysis.* Wastewater haulers shall be required to submit to the city a representative sample of their wastewater upon request by the city. In addition, wastewater haulers shall perform or shall have performed such additional tests and sampling as may be required by state or federal agencies having jurisdiction, or as deemed necessary by the city because of any suspected problems caused by the holding tank wastewater. The city agrees to be reasonable in requiring such sampling and tests. The expense of any such required sampling or testing shall be the obligation of the wastewater hauler.

(e) *Truck discharge operation permit.* In January of each year or prior to initiating any wastewater hauling operations, all private waste haulers will obtain a truck discharge operation permit for each vehicle employed in their business to haul waste. The completed application, along with a permit fee as established by the board of public works and approved by the council, will be filed with the city clerk's office during business hours. All permit holders must have a Wisconsin Department of Natural Resources septic tank cleaner permit. A permit will be issued or denied by the city within ten days of receiving the permit application.

(f) *Prohibited discharges.* Wastewater haulers shall not discharge or cause to be discharged, directly or indirectly, sewage continuing industrial discharges or any substance as enumerated in section 14-73 of this Code as amended from time to time or any other substance prohibited by other city ordinances or any applicable state or federal regulation.

(g) *Revocation of permit.* The truck discharge operation permit shall be subject to revocation by the city for violation of any provision of these rules and regulations or other regulations established by the city or any local, state or federal agency.

(h) *Public liability insurance.* Any wastewater haulers disposing of holding tank sewage shall carry public liability insurance in an amount of not less than $100,000.00 to protect any and all persons or property from injury and/or damage that may result from the transport of the wastewater to the city's wastewater collection and treatment facilities or from the discharge of such wastewater into the city's wastewater collection and treatment facilities.

Any wastewater hauler further shall hold harmless and indemnify the city from any and all liability and claims for damages arising out of or resulting from the transport and/or discharge of holding tank wastewater.

(i) *Discharge procedures.* The city will accept discharges from wastewater haulers at the wastewater treatment plant, 3411 South Galvin Avenue. Haulers shall make arrangements for discharge with the wastewater superintendent or his designee.

(Code 1982, § 13.23; Ord. No. 967, § 2, 2-25-2003; Ord. No. 1033, § 2, 10-12-2004; Ord. No. 1060, § 2, 10-11-2005; Ord. No. 1083, § 2, 10-10-2006; Ord. No. 1214, § 1, 10-26-2011; Ord. No. 1237, § 1, 2, 10-23-2012; ORD 1290, 10/28/14; Ord. No. 1322, 11/10/15)

Sec. 14-73. Violations and penalties.

(1) *Written notice of violation.* Any person found to be violating any provision of this article, except section 14-70, may be served by the city with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) *Deleterious discharge.* Any person found to be responsible for allowing a deleterious discharge into the sewer system which causes damage to the treatment facility or receiving body of water shall, in addition to any fine, pay for any damage caused by such discharge.

(3) *Liability to city for losses.* Any person violating any provision of this chapter shall become liable to the city for any expense, loss or damage occasioned by reason of such violation which the city may suffer as a result thereof.

(Code 1982, § 13.21)

Secs. 14-74—14-100. Reserved.

Article IV. Water Utility

Sec. 14-101. Water pipe, value and fitting requirements.

(1) *Materials.* All water pipes placed and connected to a city water main shall be of copper or cast iron, continuous from the city mains to the owner's premises. In the case of copper pipe used for services, it shall be installed by the plumber providing a loop for expansion adjacent to the corporation valve as a safeguard against breakage. Curb stops and valve boxes shall be provided in the water service pipe and in case of leaks or defects, shall be replaced by a new valve at the owner's expense. Any leaks reported to the property owner not repaired within three days shall be repaired by the water department and charged against the owner's property. Cast iron pipe used for a customer service shall be a minimum size of standard four-inch cast iron pipe from the connection to the city main to the curb stop. This may be reduced in size beyond the valve and on the owner's property at his discretion.

(2) *Replacement of pipe when street paving.* Before placing of any permanent paving upon any street in the city, the owners of any lot or parcel of land abutting upon such street who have laid or maintained any wrought iron or galvanized water main shall, upon notice from the manager of the water department, remove such service pipe from the city water main and replace the iron service pipe with a type K copper service, conforming to the provision of subsection (1) of this section. Property owners having vacant lots abutting on any new proposed paving project shall install a copper pipe extending from the city mains to the property line at their own expense. This service pipe shall be plugged or valved. If any owner so notified fails or neglects to replace such pipe five days after receipt of such notice, the water department shall do the work, and charge the cost thereof to the property owner, to be collected in the tax of the year that the work has been done.

(3) *Replacement of private mains.* Where property owners are taking water from private galvanized mains that parallel the regular water main on the same street, they shall, upon written notice from the water department, change to the regular city water mains, using type K copper pipe.

(4) *Trenching or digging.* No person except a licensed digger or a contractor engaged in laying water mains shall do any trenching or digging within a street right-of-way, to lay or repair service lines or make private main extensions. These provisions shall not apply in emergencies. Trenching done by the city on private property shall be paid by the property owner.

(5) *Tapping into main.* The city shall supply the corporation valve and make the tap into the main when property owners are making connections, the cost thereof to be charged to such property owner.

(6) *Damage or defects to curb stops or boxes.* Maintenance and repair to curb stops or boxes and the cost thereof shall be the responsibility of the owner of the property on which the curb stops or boxes are located. The water department shall, at its own expense, make necessary repairs to leaky service lines between mains and the street side of the curb stop. Where an old service has been installed without a curb stop, responsibility shall be determined as the edge of the traveled portion of the street nearest the property line, and when a repair is necessary, a curb stop shall be installed and charged to the property owner.

(7) *Shutoff at curb stop.* If a property owner wishes to have water shut off at the curb stop or locking valve, the water department shall shut off and turn on the water at no charge to the property owner.

(8) *Installation of meters.* Meters shall be installed in accordance with the following:

(a) The water department shall not be held liable for any damage to piping where the meters are screwed directly into the piping. The proper meter gap shall be brought out for a meter installation, including the tailpieces provided with the meter.

(b) Consumers or property owners where meters are located within the building shall not cover the meters or place obstructions that may prevent convenient access to the meter by water department employees to read or make repairs. Property owners shall provide a proper well or pit suitable and sufficient to accommodate the installation of outside water meters at their own expense.

(c) All new buildings shall be equipped with outside meter reading devices, which shall be installed at the expense of the water department.

(9) *Frostproof box, when required.* The property owner shall at his own expense install a frostproof box or container where it is necessary to protect the water meter from damage. All damage to water meters found frozen or otherwise shall be charged to the property owner.

(10) *Backfilling.* The plumbers shall properly backfill all excavation on water services so that there is no ditch left due to the settling of the earth.

(11) *Access for inspection of defects.* The water department shall have access to any industrial, commercial or resident building to inspect leaks or defects on water services or the change and repair of water meters on the owner or owner's premises.

(Code 1982, § 13.30)

Sec. 14-102. Outdoor water usage restrictions.

(1) *Water usage restrictions.* The Marshfield utility manager with concurrence of the Marshfield Utility Commission and the council may impose voluntary or mandatory outdoor water usage restrictions on all water users in the City of Marshfield. The restrictions may apply to all properties using city water or to alternate sides of the street as deemed necessary by the utility manager. Alternate side restrictions would apply to even-numbered sides of the street on evennumbered calendar days and odd-numbered sides of the street on odd- numbered calendar days respectively. Restrictions may be for all day or for specified times each day. Reasons for such restrictions will be given with each notice. Notice of the restrictions shall be given to all news media in the City of Marshfield.

(2) *Criteria for mandatory restrictions.* Criteria for mandatory restrictions shall be as follows:

(a) To avoid undue stress upon the resources and reserve capacity of the water utility.

(b) To avoid sustained low pressure.

(c) To maintain reservoir levels sufficient to provide adequate fire protection.

(d) To compensate for loss of one or more wells.

(3) *Outdoor water usage restrictions.* The following restrictions would be imposed based on the needs and concerns of the water utility. The level of severity of the imposed restrictions would be based on such factors as weather conditions and/or forecasts; water distribution system pressure; reservoir levels and groundwater levels:

(a) Voluntary water restrictions.

(b) Mandatory water restrictions.

(c) Mandatory water restrictions even/odd sides of the street and specified times each day.

(d) Mandatory water restrictions on certain days of the week.

(e) Mandatory water restrictions for complete ban of outdoor water usage.

(4) *Penalty.* Any person, owner or occupant who violates any mandatory restriction on water usage issued pursuant to this section, or fails to comply with any of its requirements, shall upon conviction thereof, be subject to a forfeiture of not less than $20.00 nor more than $100.00. Each day such violation continues shall be considered a separate offense.

(Code 1982, § 13.31)

Secs. 14-103—14-130. Reserved.

Article V. Communications

Sec. 14-131. Establishment.

Pursuant to chapters 62 and 66 Wis. Stats. and, without limitation, § 62.11(5) Wis. Stats., the City of Marshfield (referred to in this article as "city") hereby exercises its authority to create a municipal communications utility.

Sec. 14-132. Services.

The communications utility shall be responsible to plan, acquire, construct, extend, improve, maintain, operate, lease, dispose of, regulate, and manage a communications system to be constructed by the city in order to provide service including but not limited to telecommunication, data, fiber optic, Internet, cable television, video and information services. Such services shall be provided within the city, and coextensive within such area outside the city as are now or in the future will be served by the city electric utility.

Sec. 14-133. Management.

The communications utility shall be under the charge and management of the Marshfield Utility Commission, which may exercise all powers necessary or desirable to effect its purpose

Chapter 15

BUILDINGS AND BUILDING PERMITS

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Article I. In General

Sec. 15-01. Building services supervisor, office and duties.

(1) *Office.* There is hereby created the office of building services supervisor. Such office shall be appointed by the council. a For purposes of Chapter 15, the term "building services supervisor" shall include his authorized agent who may act as required in his absence or in the event the building services supervisor is otherwise unavailable. Those so authorized include the Assistant Building Inspectors and other building services staff qualified to perform required duties.

(2) *General duties.* The building services supervisor shall have the necessary ability to supervise the general construction of buildings and the permanent equipment thereof. He shall have an office in the city hall and shall not be interested either directly or indirectly in the construction of buildings, the preparation of plans and specifications therefor or permanent building equipment.

(3) *Jurisdiction.* He shall have, except where otherwise provided in this Code, the general management and control of all matters pertaining to his office and shall enforce all state laws and city ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures and permanent building equipment.

(4) *Scope of office.* The building services supervisor shall have full power to pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter.

(5) *Records and reports.* The building services supervisor shall keep records of all applications for building permits in a book for such purposes, and regularly number each permit in the order of its issue. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used and the cost of each building, and the aggregate cost of all buildings of the various classes. The building services supervisor shall prepare suitable forms for the applications and permits required and keep such in his office, and file an annual report covering the applications and permits with the council.

(6) *Powers.* The building services supervisor or an authorized agent thereof shall have the power and authority at all times for any purpose to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, plumbing, electrical or heating work. Any person interfering with or refusing to permit access to any such premises to the building services supervisor or his agent while in the performance of his duties shall be deemed guilty of a violation of this chapter and punished as provided in this chapter. The building services supervisor shall have, except as otherwise provided in this chapter, the general management and control of all matters pertaining to the building services division including the authority to designate an agent to act on his behalf, and shall enforce all state laws, city ordinances and other lawful orders and regulations relating to the construction, alteration, repair, removal and safety of buildings and structures and also permanent equipment. The building services supervisor or his authorized agent shall have the power to issue citations enforcing chapters 11, 15, 16 and 17 of the Marshfield Municipal Code in the Marshfield Municipal Court. If entry is refused, the building services supervisor may obtain a special inspection warrant pursuant to § 66.0119, Wis. Stats.

(Code 1982, § 14.01; Ord. No. 1031, § 3, 10-12-2004; Ord. No. 1166, § 1, 11-10-2009)

Sec. 15-02. Building permits.

(1) *Generally.* No building or structure or part thereof, including foundations, footings, floors, concrete driveways or concrete slabs, or any sidewalk laid in any public right-of-way, shall hereafter be built, enlarged, altered or demolished within the city, or permanent building equipment installed except as

hereinafter provided unless a permit therefor shall first be obtained by the owner or his agent from the building services supervisor.

(2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates adifferent meaning:

Building means any building or equipment thereof and any enlargement, alteration or demolishing of any building or structure or of permanent building equipment therein; also any material and any equipment of underground tanks, vaults, and similar structures.

Permanent building equipment means any and all provisions in buildings for either water, light, heat, power or ventilation service therein./p>

(3) *Minor repairs.* If it is the judgment of the building services supervisor, no permit shall be required for any repairs or minor alterations which do not affect or change the occupancy, use, areas, structural strength, fire protection, room arrangement, light or ventilation, access to or efficiency of any exit stairways or exits or exterior aesthetic appearances.

(4) *Application for permit.* Application for a building permit shall be made in writing upon a form furnished by the building services supervisor and shall state the name and address of the owner of the building and the owner of the land upon which it is erected, and the name and address of the designer, and shall describe the location of the building and the purpose for which it is to be used, and shall contain such other information as the building services supervisor may require which requirements may include a survey when existing lot lines have not been determined and when minimum building setbacks are in question. With such application there shall be submitted to the building services supervisor a complete set of plans and specifications covering the proposed building, alterations or improvements, including a plan showing the location of any proposed building with respect to adjoining streets, alleys, lot lines and buildings. All plans shall be drawn to a scale of not less than one-eighth inch per foot, on paper or cloth, in ink or by some process that will not fade or obliterate. All distances and dimensions shall be accurately measured. Drawings that do not show all necessary details to enable the building services supervisor to intelligently inspect and examine the drawings and the work thereunder shall be rejected. In buildings of reinforced concrete construction, the plans shall show the system of reinforcement; size and location of steel; and size of columns, girders, beams and slabs. All plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided, the other set shall remain on file in the office of the building services supervisor.

(5) *Sewer and water requirements.* No building intended to be used for dwelling purposes or human habitation shall be built or used, nor shall any permit therefor be issued, unless the applicant for such permit shall produce to the building services supervisor satisfactory proof that sanitary sewer and water facilities have been provided for or will be provided for prior to the occupancy of such building. No certificate of occupancy shall be issued until such sanitary sewer and water facilities have been so provided. The words "sanitary sewer and water facilities" as used in this subsection shall include an acceptable substitute for city sanitary sewer and water facilities where city facilities do not exist.

(6) *Waiver of plans.* If, in the opinion of the building services supervisor, the character of the work is sufficiently described in the application, he may waive the filing of plans.

(7) *Conditions for issuing permits.* No building or structure intended for single- or two-family use shall hereafter be erected or used, nor shall any permit therefor be issued unless such building or structure shall be erected upon land which directly abuts an existing, open, public street, except where the board of public works has approved the opening of such street for the current year, providing access to the land upon which the building or structure is to be located. A connection between such land and such street by means of a private roadway, driveway or easement shall not satisfy this requirement. In the case of a corner lot, the street upon which the building or structure fronts shall meet the conditions in this subsection and the side street shall meet such conditions if access will be required from such side street for any purpose.

(8) *Lot grades.* Lot grades shall be as follows:

(a) *Grade at building line.* The finished lot grade at the building setback line nearest the street property line shall be a minimum of 18 inches above the sidewalk grade, if existing, or above the proposed sidewalk grade as determined by the city engineer of the City of Marshfield. As an alternative to the foregoing, and if the foregoing is impossible or impracticable, the building services supervisor may approve a grading plan showing the existing and proposed contours, a minimum five-percent slope away from the proposed building for a minimum distance of ten feet (if available), and providing for the drainage of the entire site with a minimum slope of two percent.

(b) *Exceptions.* The only exception to the foregoing rule in subsection (8)(a) of this section shall be nonresidential buildings on property lines. In these cases, the open side of the property shall conform to the grading requirements in subsection (8)(a) of this section.

(9) *Parking lot drainage.* Parking lot drainage shall be in accordance with the following:

(a) All parking lots for new development shall be drained to a public storm sewer where available. Method of drainage shall be on-site storm draining piping and catch basins properly sized to convey all parking lot drainage. Sump pumps and all roof drainage draining onto a parking lot shall also be conveyed to a public storm sewer where available. The city engineering division shall review all site draining plans.

(b) This subsection shall not apply to one- and two-family construction, where finish elevations of a parking lot prevent gravity drainage to a storm sewer or where the city engineering division has determined that the parking lot drainage will overload the existing municipal storm sewer system. However, adequate precautions shall be taken to properly convey stormwater, roof drainage and sump pump drainage via ditches and/or other drainageways.

(c) All methods of drainage are subject to review and approval of the city engineering division. A site plan showing existing and proposed elevations shall be submitted for review. This may require installation of water detention basins on large developments to minimize downstream flooding and other adverse effects.

(Code 1982, § 14.02)

Sec. 15-03. Issuance of building permits and inspection.

(1) *Generally.* If the building services supervisor finds that the proposed building will comply in every respect with all ordinances of the city, and all laws and lawful orders of the state, he shall officially approve the proposed building and stamp one set of the plans and return them to the owner, and shall issue a building permit therefor which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the mentioned ordinances, laws or orders, or which involves the safety of the building, except with the written consent of the building services supervisor. If adequate plans are presented the building services supervisor may, at his discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building. No person shall commence work on any building or alteration before the building permit or waiver of plans has been issued.

(2) *Fees.* Fees shall be as stated in the City of Marshfield Free Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

(3) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cost means the entire cost of the contract, subcontract, bid and proposal or estimate, including all accepted alternates.

Square footage means the entire total of square feet of all floors of a building including basement, other floors and garages. Outside dimensions are used to calculate square footage.

(4) *Posting of building permit.* It shall be the duty of each applicant to place the building permit in a conspicuous place on the premises, a window of the home that faces the road or where the building is to be erected.

(5) *Duration of permits.* A building permit shall lapse and be void unless building operations are commenced within six months from the date thereof. A building permit shall be valid for a period of one year from the date of issue, unless by written extension from the Building Services Supervisor.

(6) *Revocation of permit; effect.* If the building services supervisor finds at any time that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, he may revoke the building permit and written notice of such action shall be posted at the site of the work. When any such permit is revoked no person shall do any further work upon such building until the permit is reissued, excepting such work as the building services supervisor shall order to be done as a condition precedent to the reissuance of the permit.

(7) *Report of violation.* It shall be the duty of all police officers to report at once to the building services supervisor any building upon or in which work is being carried on without a building permit as required by this chapter.

(8) *Inspection.* Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. The building services supervisor shall inspect all buildings prior to application of other finish, of which the general contractor or other person in charge of such work shall notify the building services supervisor, and in no case shall drywall or other finish material be done before inspection. After inspection, the building services supervisor shall approve the drywall or other finish material, or prescribe any changes necessary to such compliance, and upon the making of such changes, the approval shall be issued. After the issuance of such approval, no structural part of such building shall be changed.

(9) *Certificate of occupancy.* Buildings shall have final inspection before occupancy except as herein provided. If on final inspection by the building services supervisor, the electrical inspector and the plumbing inspector, no violation of this chapter or any other ordinance, law or order is found, the fact shall be so certified to the building services supervisor who shall thereupon issue a certificate of occupancy, stating the purpose for which the building is to be used, and the maximum load and the maximum number of persons that may be accommodated on each floor of buildings to be used for public purposes. No building or part thereof shall be occupied in any manner which conflicts with the conditions set forth in such certificate of occupancy.

(Ord. No. 969, § 1, 1-28-2003; Ord. No. 1039, § 1, 1-11-2005; Ord. No. 1095, § 1, 3-27-2007; Ord No. 1324, 12/8/15)

Sec. 15-04. Unsafe buildings.

(1) *Removal of hazards.* Whenever the building services supervisor finds any building or structure or any part thereof is dangerous to life, health or adjoining property by reason of its bad condition, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidated condition or other cause, he shall order the owner or tenant thereof to cause the building or structure or part thereof to be made safe or removed; and he shall also affix a notice of such order in a conspicuous place on the outside wall of the building, and no person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the building or structure to be made safe, or to be removed, as ordered. Any person who fails to comply with any such order shall be deemed guilty of a violation of this chapter. For the purposes of this subsection, the provisions of § 66.0413 Wis. Stats. insofar

as applicable, except the penalty provisions, are adopted by reference with the same effect as if set forth in full in this section.

(2) *Emergency removal of hazards.* When the public safety requires immediate action, the building services supervisor shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed and the expense of such work may be recovered by the city in an action against the owner or tenant. The fire department shall give all reasonable assistance to the building services supervisor in such work.

(Code 1982, § 14.06)

Sec. 15-05. Moving buildings.

(1) No house, garage, building or other structure shall be moved from any location within the city to any location outside the city before obtaining a permit from the building services supervisor, paying the fee in the amount required by section 15-03(2) and posting the bond required by section 15-07 of this chapter.

(2) Except for mobile homes in mobile home courts, mobile home subdivisions, the Praschak Wayside Camping area, and new manufactured residential accessory building under 12 feet wide when hauled by the manufacturer to a site in the city on a properly licensed vehicle, no house, garage, building, mobile home or other structure shall be moved from any location within the city until the council has granted permission and until a permit has been issued by the building services supervisor. Before issuing such permit the building services supervisor shall file a report with the council containing the following data concerning the unit proposed to be moved:

(a) A statement that he has inspected it and that it complies with applicable building codes, or can be made to comply.

(b) A statement from the zoning administrator that it complies or can be made to comply with all of the applicable provisions of chapter 18, zoning code, and the master street plan regulations of this Municipal Code.

(c) A statement from the plumbing inspector that it complies or can be made to comply with all of the applicable provisions of chapter 16, the plumbing code.

(d) A statement from the electrical inspector that he has inspected it and that it complies or can be made to comply with all of the applicable provisions of chapter 17, the electrical code, concerning electrical work regulations.

(Code 1982, § 14.05)

Sec. 15-06. Plan and permit requirements for moving buildings.

(1) The application for a permit required for moving buildings shall be accompanied by:

(a) A dimensioned plot plan showing the location of the structure on the parcel of land to which it is proposed to be moved.

(b) Construction plans showing any exterior or interior structural, electrical, plumbing, heating or ventilating changes, alterations or additions if any such are required or intended.

(c) A statement of any exterior work that will be done which would affect the appearance of the structure.

(d) A map showing the proposed moving route and stating the proposed moving date.

(2) A part of the permit shall be a list of the changes, alterations or additions required in structural electrical, plumbing, heating or ventilating work.

(Code 1982, § 14.09)

Sec. 15-07. Cash or certified check required for moving buildings.

Before a moving permit is issued there shall be deposited to the city the sum of $2,000.00 in the form of cash or a certified check made payable to the city. Such cash or certified check shall guarantee to the city that the structure will be in its new location in accordance with the provisions of section 15-06 of this Code within six months after the date such permit is issued. The deposit for a residential accessory building shall be $500.00, and, in either case, the deposit shall be returned after completion of the project.

(Code 1982, § 14.10)

Sec. 15-08. Insurance required for moving buildings.

The building services supervisor shall require sufficient proof that the person actually moving the building will use equipment which will not damage such streets, sidewalks, alleys or public ways or grounds, and shall further require proper proof that such mover is insured by a reputable insurance company for public liability in an amount not less than $100,000.00/ $300,000.00, and for property damage in the amount of not less than $50,000.00. The building services supervisor shall require a certificate of insurance from the company insuring such mover, which certificate shall be filed with the building services supervisor before any permit shall be issued, and which certificate shall state the mover's insurance policy is then in full force and effect, and shall further state that upon cancellation of such policy, the company shall give to the city at least ten days' written notice thereof.

(Code 1982, § 14.11)

Sec. 15-09. Council action and notification of utilities, police and fire department for moving

(1) A public hearing shall have been held before the council on the proposed relocation of a building. A notice of the public hearing shall be published as a class I display advertisement in the official class I newspaper a minimum of one week before the council meeting at which the hearing is scheduled. The notice shall state the type of structure proposed to be moved, its present location, the location to which it is proposed to be moved, and the date and time of the hearing. No hearing shall be held until the costs of such hearing have been paid for in advance by the person requesting the relocation.

(a) No public hearing or council permission shall be required for residential accessory buildings which are no more than 81/2 feet in width, no more than 20 feet in length and no more than 131/2 feet in loaded height. A building permit shall be required to move this type of structure. The haulee must comply with all applicable traffic and vehicle codes as specified in chapters 347 and 348 Wis. Stats.

(b) No public hearing or council permission shall be required for any residential accessory building which is used for storage of not more than two motor vehicles; however, all other requirements of section 15-05 through this section and all applicable traffic and vehicle codes as specified in chapters 347 and 348 Wis. Stats. shall apply.

(2) The building services supervisor shall immediately notify any public utility, whose lines or poles may be interfered with, of the application. Such utility shall take any steps necessary to permit the building to be moved without damage to its lines and poles. The building services supervisor shall also notify the police

department and the fire department of the application, and if the chief of police deems it necessary, a police escort shall accompany the building when it is moved. Upon completion of the moving, the director of public works shall inspect the route and report to the building services supervisor any damage caused to the above-described property, and the estimated cost of repairing the property. All claims shall be submitted to the mover's insurance company for payment. No cash deposit as required in section 15-07 of this Code shall be returned to the mover or applicant until all insurance claims are satisfied. Upon settlement of all such damage claims, the building services supervisor shall release the balance of the deposit, if any. The applicant shall be liable for any such costs or damages exceeding the deposit.

(3) Application for a permit to move a building shall be made upon proper forms furnished by the City of Marshfield Building Services Division. Application for a moving permit for a dwelling or nonresidential structure shall be made at least 30 days prior to the proposed moving date. Application for a moving permit for residential garages and other residential accessory buildings shall be made at least five days prior to the proposed moving date.

(Code 1982, § 14.12)

Sec. 15-10. Installation of certain services in public places prohibited.

No gasoline or kerosene tank either above or underground, and no gasoline or kerosene pump, and no air service or water service outlet shall be placed, located or installed at or adjacent to the curbline, being the line where the pavement joins the outer line of the sidewalk, or on any terrace of any public place, street or alley of the city. Any tank, pump, air or water service outlet or other equipment installed or permitted to remain in violation of this chapter is hereby declared a public nuisance, subject to be abated as provided by law, in addition to the penalties provided in this chapter.

(Code 1982, § 14.03)

Sec. 15-11. Reshingling of roofs.

It shall not be necessary for any person to obtain a permit for the reshingling of a roof if in the process of reshingling such roof is not changed in size or shape in any manner and if the roof is not to be reshingled with materials of a lesser fire resistance quality. All three of these requirements, size, shape and materials used, must be shown prior to the elimination of the permit which would ordinarily be necessary under this chapter.

(Code 1982, § 14.04)

Sec. 15-12. Garages.

(1) *Size.* The area and height of garages shall be as provided in section 18-04(2) of this Code.

(2) *Structural.* Structural requirements for garages and accessory buildings on residential property that have either a length or width that exceeds twelve feel (12'), shall comply with all requirements found in the State of Wisconsin Administration Code Chapters SPS 321-325, including egress components, except as follows:

(a) A detached frame construction garage or accessory building shall be built on a four foot (4') deep footing and frost wall or a minimum of four-inch-thick concrete slab reinforced with fiber reinforced concrete or wire mesh weighing not less than 40 pounds per 100 square feet with a reinforced grade beam at the outer perimeter. The reinforced grade beam shall be engineered or shall consist of a thickened outer edge that is at least twelve inches (12") thick, and sixteen inches (16") wide. There shall be at least two parallel #4 reinforcement rods installed continuously around the perimeter. The outer most one shall be six inches from the outer edge of the concrete, and the second one shall be

installed six inches inside of the outer one. The concrete slab is to be placed on a minimum 12-inch bed of sand, gravel, or other suitable materials with proper drainage provided. Provisions for an electrical grounding connection to one of the reinforcement rods shall be made and inspected prior to concrete being poured.

(b) Any attached garage shall have the bottoms of the footings and frost walls not less than four feet below grade unless a suitable engineered system is installed. All other footing and foundation provisions in SPS 321-325 shall be complied with.

(c) All electrical, HVAC, or plumbing requirements in SPS 321-325 shall be complied with, except that detached garages and accessory structures, which are insulated, shall have a minimum of R-13 insulation for exterior 2" x 4" walls and R-19 for 2" x 6" exterior walls. Insulated garage and accessory buildings shall have overhead garage doors that are insulated by the manufacturer of the door assembly. Insulation for rafter framed roof joist systems shall be a minimum of R30.

(Code 1982, § 14.07)

Sec. 15-13. Board of building code appeals.

(1) *Composition.* The board of building code appeals shall be that board of appeals created and established by section 18-34 of this Code, and appeals from any rulings or decisions made by the building services supervisor shall be taken as provided therein, except that the publication of notice of hearing required by section 18-34 of this Code shall not be necessary in the case of an appeal under this section.

(2) *Powers.* Powers of the board of building code appeals shall be as follows:

(a) The board of building code appeals shall have the power to grant a variance in materials, methods or conditions of construction or structural requirements, providing such variance preserves the intent and purpose of the building code provisions and does not materially lessen the standards of public health, safety, general welfare and fire protection provided by such provisions, and providing that the variance does not violate the provisions of the Wisconsin Administrative Building Codes.

(b) The board of building code appeals shall have the power to call any of the other city departments for assistance in the performance of its duty and it shall be the duty of such other departments to render such assistance as may be reasonably required.

Sec. 15-14. Penalty.

Any person found guilty of a violation of the provisions of this chapter shall be subject to a penalty as provided in section 1-05 of this Code.

(Code 1982, § 14.13)

Secs. 15-15—15-50. Reserved.

Article II. Codes

Sec. 15-51. State code.

The provisions and regulations of the building code adopted by the Department of Safety and Professional Services as set forth in theWisconsin Administrative Code at chapters SPS 305, 361 to 365, 367, 370 and 375 to 379, inclusive, are hereby made a part of this chapter by reference; provided, that where the provisions of this chapter are more restrictive or require higher standards than the state code, not in conflict with the minimum requirements thereof, the provisions of this chapter shall apply.

(Code 1982, § 14.15; Ord. No. 1220, § 1, 2-28-2012)

Sec. 15-52. State uniform dwelling code.

(1) *Adopted.* The provisions and regulations of the state uniform dwelling code adopted by the Department of Safety and Professional Services as set forth in the Wisconsin Administrative Code, SPS chapters 320—325, inclusive, and SPS chapter 328 are hereby made a part of this chapter by reference provided that where the provisions of this chapter are more restrictive or require higher standards than the state code, not in conflict with the minimum requirements thereof,the provisions of this chapter shall apply. Any act required to be performed, or prohibited by an administrative code provision incorporated in this section by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the administrative code provisions incorporated in this section are intended to be made a part of this Code to secure uniform statewide regulation of one-and two-family dwellings in the city. A copy of these administrative code provisions and any future amendments shall be kept on file in the city clerk's office.

(2) *Purpose.* The purpose and intent of this section is to:

(a) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and repairs, alterations and remodeling to one- and two-family dwellings constructed before June 1, 1980.

(b) Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the department of commerce.

(c) Establish use of the Wisconsin uniform building permit for one- and two-family construction and additions to one- and two-family buildings constructed after June 1, 1980, as prescribed by the Wisconsin Department of Safety and Professional Services.

(d) Establish remedies and penalties for violations.

(e) Establish use of the Wisconsin uniform building permit as prescribed by the Department of Safety and Professional Services.

(f) The requirements of the state uniform dwelling code shall also apply to remodeling, repairs, alterations and additions to one- and two-family dwellings constructed prior to June 1, 1980, except that the following provisions of the Wisconsin Administrative Code shall not apply to remodeling, repair and alterations to one- and two-family structures constructed prior to June 1, 1980: SPS ch. 320 and SPS §§ 321.03(6), 321.03 (8), 321.05, 321.05(3), 321.06, and 323.06(3).

(3) *Method of enforcement.* The building services supervisor shall administer and enforce the provisions of this section and the uniform dwelling code. He shall be certified for inspection purposes by the department in SPS chapters 320—325 of the Wisconsin Administrative Code. The plumbing inspector shall assist the building services supervisor in administering and enforcing those provisions which pertain to plumbing,

and he shall be certified by the Department of Safety Safety and Professional Services in that category. The electrical inspector shall also assist the building services supervisor administering and enforcing those provisions which pertain to electricity, and he shall be certified by the Department of Safety and Professional Services in that category.

(4) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Addition means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

Alteration means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

Department means the Department of Safety & Proffessional Services.

Dwelling means:

(a) Any building, the initial construction of which is commenced on or after June 4, 1980, which contains one or two dwelling units.

(b) An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

One- or two-family dwelling means a building or structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

Person means an individual, partnership, firm or corporation.

Uniform dwelling code means administrative code provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

SPS chapter 320	Administration and Enforcement
SPS chapter 321	Construction Standards
SPS chapter 322	Energy Conservation Standards
SPS chapter 323	Heating, Ventilating and Air Conditioning Standards
SPS chapter 324	Electrical Standards
SPS chapter 325	Plumbing and Potable Water Standards

(5) *Building permits.* Building permits shall be required as follows:

(a) *Building permits required.* No one- or two-family dwelling of which initial construction shall be commenced after the effective date of the ordinance from which this section derives shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the building services supervisor. Application for a building permit shall be made in writing on theWisconsin uniform dwelling permit application and shall comply with provisions of section 15-02 of this Code.

(b) *Submission of plans.* The applicant shall submit two sets of plans for all new construction or repairs or additions to existing one- and two-family dwellings at the time that the building permit application is filed.

(6) *Violation and penalties.* Penalties for violations shall be as follows:

(a) If an inspection reveals a noncompliance with this section or the uniform dwelling code, the building services supervisor shall notify the applicant and the owner, in writing, of the violations to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to SPS 320.10(1)(c) Wis. Admin. Code.

(b) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the building services supervisor after satisfactory evidence has been supplied that the cited violation has been corrected.

(7) *Appeal to board of appeals.* Any person feeling aggrieved by an order or a determination of the building services supervisor may appeal from such order or determination to the building code board of appeals, as provided at section 15-13 of this chapter.

(Code 1982, § 14.16; Ord. No. 1220, § 1, 2-28-2012; Ord No. 1324, 12/8/15)

Sec. 15-53. Building and premises maintenance and occupancy code of the city.

(1) *General provisions.* The following general provisions shall apply in the interpretation and enforcement of the building and premises maintenance and occupancy code of the city:

(a) *Legislative finding*. It is hereby found that there exist, and may in the future exist, within the City of Marshfield, premises, buildings, building units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy, affect or are likely to affect adversely the public health (including the physical, mental and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum standards are required.

(b) *Purposes.* It is hereby declared that the purpose of this code is to protect, preserve and promote the physical and mental health and social well-being of the people, to prevent and control incidence of communicable diseases, to regulate privately and publicly owned buildings and premises for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and promote the general welfare by legislation which shall be applicable to all premises and buildings now in existence or hereafter constructed. It is hereby further declared that the purpose of this code is to ensure that the quality of buildings and premises is adequate for the protection of public health, safety and general welfare, including establishment of minimum standards for: basic equipment and facilities for light, ventilation, and thermal conditions; safety from fire and accident; the use, location and amount of space for human occupancy; an adequate level of maintenance; determination of the responsibilities of owners, operators, and occupants of buildings and premises; and provisions for the administration and enforcement thereof.

(c) *Scope.* The provisions of this code shall apply uniformly to the maintenance, use and occupancy of all residential and nonresidential buildings, structures and premises where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing buildings, structures and premises within the jurisdiction of the city. Such occupancies in existing buildings may be continued if such occupancy was legal at the date of the adoption of the ordinance from which this code derives, provided such structures are not substandard and such substandard use is not dangerous to life.

(d) *Title.* This section shall be known and may be cited as the "Building and Premises Maintenance and Occupancy Code of the City of Marshfield," referred to in this section as "this code."

(2) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this code:

Accessory building, premises, or structure means a building, property or structure in a secondary, or subordinate capacity from the main or principal building or structure on the same premises.

Appropriate authority means that person within the governmental structure of the appropriate corporate unit who is charged with the administration of the appropriate code.

Approved means approved by the local or state authority having such administrative authority.

Ashes means the residue from the burning of combustible materials.

Attic means any level in a building situated wholly or partly within or directly under the roof, and so designed, arranged or built as to be not occupied, heated, or mechanically cooled.

Basement means the lowest story of a building below the main floor wholly or partially lower than the surfact of the ground.

Building means a fixed construction with walls, foundation and roof, such as a house, factory, garage, etc.

Building services supervisor means the person vested with the authority and responsibility by the City of Marshfield to enforce this code. This shall also include inspectors and employees responsible and under the supervision of the building services supervisor.

Cellar means a room or group of rooms which have 60 percent or more of their floor-toceiling height below adjoining ground level.

Central heating system means a single system supplying heat to one or more dwelling units or more than one rooming unit.

Chimney means a vertical masonry shaft or other approved noncombustible, heat resisting material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

Dilapidated means no longer adequate for the purpose or use for which it was originally intended.

Dwelling means any enclosed space wholly or partly used or intended to be used for living and sleeping, whether or not cooking and eating facilities are provided; provided that temporary housing as defined in this subsection shall not be classified as a dwelling. Mobile homes and modular construction used or intended to be used for living and sleeping purposes shall be classified as dwellings.

Egress means an arrangement of exit facilities to ensure a safe means of exit from the building.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination method approved by the local or state authority having such administrative authority.

Fair market value means a price at which both buyer and seller are willing to do business.

Family means two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this Code a group of not more than four persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family.

Flush water closet means a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and nonconsumption of food. used for business, storage or habitation.

Grade means the average finished level of the adjacent ground.

Guest means an individual who shares a dwelling unit in a nonpermanent status for not more than 30 days.

Habitable room means a room or enclosed floor area used or intended to be used for living or sleeping purposes excluding bathroom, water closet compartments, basement laundries, furnace rooms, utility rooms of less than 50 square feet of floor space, communication corridors, stairways, closets, storage spaces, unheated areas and workshops and hobby areas below ground level.

Hard-surfaced means concrete, asphalt or other suitable driveway materials as approved by the city engineer.

Heated water means water heated to a temperature of not less than 110 degrees Fahrenheit at the outlet.

Household means one or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities.

Infestation means the presence within or around a dwelling of any insects, rodents, or other pests.

Kitchen means any room containing any or all of the following equipment: sink or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

Kitchenette means a small kitchen or an alcove containing cooking facilities.

Meaning of certain words. Whenever the words "building," "building unit," "dwelling unit," "premises" or "structure" are used in this Code they shall be construed as though they were followed by the words "or any part thereof or any premises accessory thereto."

Multiple dwelling means any dwelling containing:

(a) Three or more dwelling units; and/or

(b) Any dwelling unit with six or more individuals who are not related by blood, marriage, adoption or legal guardianship.

Occupant means any individual having possession of a premises or any individual over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered as an occupant.

Operator means any person who has charge, care, control, or management of a building, or part thereof, in which building units are let.

Ordinary summer conditions means a temperature of 94 degrees Fahrenheit or above.

Ordinary winter conditions means a temperature of 30 degrees Fahrenheit or below.

Owner means any person who, alone or jointly or severally with others:

(a) Shall have legal title to any premises, building, or building unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care or control of any premises, building, or building unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this code and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Permissible occupancy means the maximum number of individuals permitted to reside in a dwelling unit, rooming unit or dormitory.

Person means and includes any individual, firm, corporation, association, partnership, cooperative or governmental agency.

Plumbing means and includes all of the following supplied facilities and equipment: water pipes, garbage disposal waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, showerbaths, installed clothes washing machines, catchbasins, drains, vents and other similar supplied fixtures, and the installation thereof, together with all connections to water and sewer lines.

Premises means a platted lot or part thereof or unplatted lot or parcel of land or plat of land, either unoccupied or occupied by dwelling, residential, or nonresidential structures, and includes any such building or part thereof, accessory structure or other structure thereon.

Privacy means the existence of conditions which will permit an individual to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

Rat harborage means any conditions or place where rats can live, nest or seek shelter.

Ratproofing means a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods approved by the appropriate authority.

Refuse means all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

Refuse container means a watertight container that is constructed of metal or other durable materials impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers as have been approved by the appropriate authority. Openings into the container such as covers and doors shall be tight fitting.

Resident means any adult residing within the city limits of Marshfield.

Residential means the use of a building, premises, property, or structure, or a portion thereof, for sleeping or dwelling purposes when not classified as hospital or other institutional occupancy per any State of Wisconsin code.

Rubbish means nonputrescible solid wastes (excluding ashes) consisting of either:

(a) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or

(b) Noncombustible wastes such as tin cans, glass and crockery. *Safety* means the condition of being reasonably free from danger and hazards which may cause accidents or disease.

Standard driveway means a hard-surfaced space for vehicle ingress and egress located in any front, rear and side yard and also used for parking of vehicles.

Substandard building means any building used for human habitation which does not conform to the minimum standards established by this section or any other city or state code provisions.

Supplied means paid for, furnished by, provided by, or under the control of the owner, operator, or agent.

Temporary housing means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 consecutive days; provided, however, Recreational Vehicles shall be prohibited from and after October 1, 2008.

Undefined words. Words not specifically defined in this section shall have the common definition set forth in a standard dictionary.

Unit means a room or group of rooms located within a building forming a single habitable or business unit or any other part of a premises controlled by an owner, occupant, or operator distinct from that part controlled by another.

Yard, rear, means a space on the same premises as the main building between the rear lot line and a line extending the full width of the lot parallel to the rear lot line and through the nearest supporting member of the main building. For the purposes of this Code, lots having a street on two or more sides do not have a rear yard.

Yard, side, means a space on the same premises as the main building and exclusive of the main building, the rear yard, and the street yard.

Yard, street, means an open space on the same premises as the main building between the rear lot line and a line extending the full width or length of the lot parallel to the street right-of-way line and through the nearest supporting member of the main building.

(3) *Responsibilities of owners and occupants.* Responsibilities of owners and occupants under this section shall be as follows:

(a) No owner or occupant shall have or let to another any premises or premises unit unless it is clean, sanitary and complies with all applicable legal requirements of the State of Wisconsin and the City of Marshfield.

(b) Every owner of a premises containing two or more premises units shall maintain in a clean and sanitary condition the shared or public areas unless otherwise specified in written lease conditions.

(c) Every occupant of a premises or premises unit shall maintain in a clean and sanitary condition that part or those parts of the premises or premises unit that he occupies and controls.

(d) Every occupant of a premises or premises unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.

(e) Every occupant of a premises or premises unit shall store and dispose of all his garbage and any other organic waste which might provide food for insects and/or rats or other rodents, in a clean, sanitary and safe manner.

(f) Every owner or occupant of a premises shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. Containers and refuse served by the city shall be placed at the curb (or alley where applicable) and shall be readily accessible for removing or emptying and shall also be in compliance with section 12-01 of this Code.

(g) Every occupant of a premises containing a single unit shall be responsible for the extermination of insects and/or rats on the premises; and every occupant of a premises unit in a premises containing more than one premises unit shall be responsible for such extermination whenever his premises unit is

the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a premises in ratproof or reasonable insectproof condition, extermination shall be the responsibility of the owner.

(h) No occupant of a premises or premises unit shall accumulate rubbish, boxes, lumber, scrap metal, or other materials in such a manner that may provide a rat harborage or a fire hazard in or about any premises unit. All stored materials shall be stacked in a reasonably neat manner. This subsection shall not be construed to prevent the owner or tenant from storing firewood for personal use on the premises.

(i) No owner of a premises containing two or more premises units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal or any other materials in such a manner that may provide a rat harborage or a fire hazard in or about the shared or public areas of a premises.

(j) No person shall store, place or allow conditions or materials that may serve as food or harborage for rodents or insects or store, place or allow any health nuisance, source of filth or cause of sickness. No person shall suffer, permit, or allow vegetative matter, which may provide harborage for rodents or insects or which may conceal filthy deposits or be unsightly to, incompatible with, or repugnant to neighboring residential or commercial premises.

(k) Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary, and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(l) In every dwelling unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68 degrees Fahrenheit shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of 18 inches above the floor level during ordinary winter conditions.

(m) All off-street parking, when required, shall be as specified in section 18-89 of this Code.

(n) No owner, operator, or occupant of a building, building unit or premises shall suffer, permit or allow any condition which may be dangerous to young children because of their inability to appreciate peril and may reasonably be expected to attract them to premises.

(o) No person shall keep or feed any animals or fowl except as permitted by section 9-52 of this Code.

(p) No owner, operator or occupant of any premises shall suffer, permit or allow noxious weeds as defined and prohibited in section 11-06 of this Code.

(q) No owner, operator or occupant of any premises shall suffer, permit or allow any disabled, dismantled, junked, wrecked or inoperable and/or unlicensed motor vehicle, machinery or trailer, if required to be licensed, to be stored or allowed to remain in the open on such premises for a period in excess of 30 days unless it is in conjunction with an automotive sales and repair business or other similar commercial or industrial enterprise properly zoned.

(r) No electrical wiring, equipment or devices shall be in dangerous or unsafe condition or defective or of inadequate capacity to permit unsafe conditions.

(4) *Minimum standards for basic equipment and facilities.* No owner or occupant shall have or let to another, any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

(a) Every dwelling unit having a kitchen or kitchenette shall be equipped with the following:

1. A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of

heated and unheated running water under pressure, and which is connected to an approved sewer system. A water heater shall be capable of heating water to a minimum temperature of 110° F.

2. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safekeeping; and a counter or table for food preparation; such cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food. Carpeting shall not be installed as finish flooring in any bathroom or kitchen area of a rental unit.

3. A stove, or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than 50 degrees Fahrenheit, but more than 30 degrees Fahrenheit under ordinary summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide a stove, refrigerator, and/or similar device on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of the stove, refrigerator and/or similar devices are provided. Provision and maintenance of these appliances shall normally be considered the responsibility of the tenants.

(b) Within every dwelling unit there shall be a nonhabitable room which affords privacy to anyone within the room and which is supplied with a flush water closet in good working condition. The water closet shall be equipped with easily cleanable surfaces, and shall be connected both to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to operate properly, and to a sewer system approved by the appropriate authority. Occupancies requiring the use of communal sanitary facilities shall be supplied as per SPS chapter 362.29 of the Wisconsin Administrative Code.

(c) Within every dwelling unit there shall be a lavatory sink. The lavatory sink shall be in the same room as the flush water closet. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority.

(d) Within every dwelling unit there shall be a room which affords privacy to a person within the room and which is equipped with a bathtub or shower which may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority.

(e) Every single-family dwelling in a one- or two-story building shall have a minimum of two approved means of egress. The primary means of egress shall be a door leading to grade. The door shall be a minimum of 32 inches by six feet four inches in size. The secondary means of egress may be a door, a patio door, an openable window or other means of egress as approved by the building services supervisor. All means of egress shall be kept free and clear of obstructions at all times. Every dwelling unit above the first floor shll have two approved means of egress. The primary means of egress shall be a door and stairway leading to grade. The secondary means of egress may be a stairway to grade, a minimum three-foot by four-foot jump-off platform no more than 12 feet above grade, or an openable window leading onto a first-floor roof such as a porch roof or a fire escape. The second means of egress cannot be located in a bathroom, bedroom or closet. Occupancy above a second story shall be prohibited without two stairways to a second story, except when the third story is an open loft.

(f) Structurally sound handrails shall be provided on any steps containing four risers or more. If steps are not enclosed, handrails and balusters spaced not more than six inches apart shall be provided. Porches, balconies, decks or other similar projections more than two feet above grade shall be protected with

guardrails which are a minimum of 36 inches in height with balusters or intermediate rails spaced no more than six inches apart. Alternate systems providing at least the same degree of protection may be approved by the appropriate authority.

(g) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit.

(h) No person shall let to another for occupancy any dwelling unit unless the exit doors of the dwelling unit are equipped with safe, functioning locking devices.

(5) *Minimum standards for light, electrical power and ventilation.* No owner or occupant shall have or let to another, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this subsection.

(a) Every habitable room shall have at least one window or skylight facing outdoors; provided that, if connected to a room or area used seasonally (e.g., porch), then adequate daylight must be possible through this interconnection. The minimum total window or skylight area for every habitable room shall be at least five percent of the floor area of such room. Light obstruction structures shall not be within five feet of any window used to comply with this standard.

(b) Every bathroom and water closet compartment and other room used for food preparation shall have minimum light and ventilation requirements as specified in this subsection, except that no window or skylight shall be required in such rooms if they are equipped with mechanical ventilating systems in working condition which are approved by the appropriate authority and are capable of providing a minimum of one air change per hour.

(c) Every habitable room shall have at least one window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately; provided that, if connected to a room used seasonally, then adequate ventilation must be possible through this interconnection. The total openable window or skylight area in every habitable room shall be equal to at least 45 percent of the minimum window or skylight area required for natural light, except where there is supplied mechanical ventilation approved by the appropriate authority. All bedrooms must have openable windows.

(d) Where there is usable electric service readily available, every dwelling unit and all public and common areas shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, maintained in good and safe working condition and connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of the City of Marshfield. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:

1. Floor or wall-type electrical receptacles:

a. Kitchen: one wall-type or countertop electrical receptacle for each 50 square feet or fraction thereof of total floor areas, but in no case less than two such outlets serving counter top areas. Each separate counter top space shall have at least one receptacle. Two separate 20 amp circuits are required for each kitchen or kitchenette, serving no other outlets or lights. Any separate wallspace six feet or longer shall have a wall receptacle that may be on these circuits.

b. Bedroom, living room and dining rooms: a minimum of three electrical outlets spaced as far apart as practical and one wall switch controlled lighting outlet serving a ceiling mounted fixture or switched receptacle.

c. Bathroom, water closet compartment, utility room and workshop: a minimum of one wall-type electrical receptacle outlet.

d. Bathroom receptacles, exterior receptacles, and receptacles serving kitchen countertops shall be GFCI protected.

2. Electric light fixtures: every bathroom, kitchen, kitchenette, laundry room, furnace room, utility room, foyer, communicating corridor and interior stairway shall contain at least one electrical light fixture with convenient switches or equivalent devices for turning on one light in each room or passageway so as to permit the area ahead to be lighted.

3. Each dwelling unit shall be provided with a separately metered readily accessible branch circuit panelboard with branch circuit overcurrent protection devices. Every outlet, device and fixture shall be properly installed, with proper listed covers and shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a safe manner.

4. In all buildings with more than one dwelling unit, subpanels and switching for common area lighting shall be located as to be accessible to occupants. Power for common building elements shall not be on any individual's dwelling unit meter.

5. Minimum electrical requirements for dwelling units shall also comply with the current edition of NFPA 73.

(e) Every public hall and stairway shall be adequately lighted by electric lights so that no area shall have an illumination level of less than 10 footcandles measured on a horizontal plane 30 inches above the floor level or step. Exit signs shall be installed and maintained as per SPS 357.10 and SPS 366.43. All common and individual exit hallways and (a minimum of one) in all one and two family dwellings.

(6) *Minimum thermal standards.* No owner or occupant shall have or let to another, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(a) Every dwelling shall have heating facilities which are properly installed and maintained in a safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees Fahrenheit at a distance of 18 inches above floor level under ordinary winter conditions.

(b) No owner or occupant of residential dwelling units shall install, operate or use a means of heating employing a flame in any residential unit that is not vented outside the structure in an approved manner.

(7) *General requirements relating to safe and sanitary maintenance of premises.* No owner or occupant shall have or let to another, a premises or premises unit which does not comply with the requirements of the Wisconsin Administrative Code regarding safe and sanitary maintenance of parts of buildings and with the following requirements:

(a) Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weathertight, watertight, and dampfree, and shall be kept in sound condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective coverings or treatment. Toxic paints, such as lead-based paint exceeding federal lead content standards, and other toxic material shall not be used where readily accessible by minor children. Walls shall be capable of affording privacy for the occupants. Every premises shall be graded, drained, reasonably free of standing water, and maintained in a clean, sanitary, and safe condition. No building shall be so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human occupancy, habitation or use, or dilapidated or blighted to the extent where windows, doors, and other openings or plumbing or heating fixtures or facilities or appurtenances of such building, dwelling, or structure offends the aesthetic character or adversely affects the value of the immediate neighborhood or produces blight or deterioration by reason of such condition. No building whose cost of repair would exceed 50 percent of the equalized value of such

building as last published by the state supervisor of assess-ments shall be repaired but shall be presumed a public nuisance and shall be razed and removed from the premise.

1. Every window, exterior door and hatchway or similar device shall be rodentproof and reasonably watertight and weathertight and shall be kept in working condition and good repair.

2. Every window located at or near ground level used or intended to be used for ventilation and every other opening located at or near ground level which might provide an entry for rodents shall be equipped with adequate screen or such other device as will effectively prevent their entrance.

(b) Every premises should be maintained in a reasonably ratfree and ratproof condition.

1. In areas of heavy rat infestation, skirting, lattice, or other nonratproof enclosures creating a possible rat harborage under porches or any portions of a building should be ratproofed at all locations where a rat could find, burrow or gnaw an access opening.

2. In the event that occupancy usage would result in stacking or piling materials, the materials should be so arranged as to prevent creation of a harborage area. This can be accomplished by orderly stacking and elevating above the existing grade.

3. In areas of heavy rat infestation, the appropriate authority may require that the lower eight inches of wooden exterior doors be covered with sheet metal.

4. In areas of heavy rat infestation, the appropriate authority shall require that every exterior door be equipped with an automatic closing device or with a screen door which shall be equipped with such a device.

5. In areas of heavy rat infestation all window openings below grade or other lighting and ventilation openings shall be ratproofed in an approved manner by grills, expanded metal, or hardware cloth attached to sturdy frames and so fabricated that no exposed wood is accessible for gnawing.

(c) Accessory structures present or provided by the owner, agent or tenant occupant of the premises shall be structurally sound and shall be maintained in good repair and free of insects and rats, or such structure shall be removed from the premises. The exterior of such structure shall be made weathertight through the use of decay-resistant materials or the use of paint or other preservatives.

(d) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. No structural member of any building or structure shall be of less than safe strength as determined by the building services supervisor. Floors shall not be loaded beyond a safe load.

(e) Every plumbing fixture and all water, waste pipes and vent piping shall be properly installed and maintained in a good and sanitary condition. No owner, operator, or occupant of any premises shall permit or allow to remain any connection of roof leaders, surface drains, foundation footing drains, or any other clear water drains to a building sewer or drain which discharges into a sanitary sewer or private sewage treatment plant. Connection to the potable water supply system of any fixture or installation creating a backflow or backsiphonage is prohibited.

(f) Every plumbing fixture and pipe, every chimney, flue, and smoke pipe, and every other facility, piece or equipment, or utility which is required under this section, shall be constructed and installed in conformance with the codes, ordinances and regulations of the City of Marshfield and the State of Wisconsin.

(g) All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate Wisconsin Statutes, administrative codes, ordinances and regulations of the City of Marshfield.

(8) *Maximum density, minimum space, use and location requirements.* No owner or occupant shall have or let to another, any dwelling or dwelling unit for the purpose of living therein unless there is compliance with the requirements of this subsection.

(a) There shall be a minimum of: for each occupant at least 125 square feet of floor area for the first occupant and 75 square feet thereafter for each occupant, the floor space to be calculated on the basis of total habitable room area.

(b) The floor area of that part of such room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for purpose of computing the maximum permissible occupancy.

(c) No space located partially below grade shall be approved for use as a habitable room in a dwelling unit unless:

1. The floor and walls are of reasonably waterproof construction.

2. The window area is at least equal to the requirement of subsection (5) of this section and such window area is located entirely above the grade of the ground adjoining such window area, or if windows are located wholly or partially below grade there be constructed a properly drained window well whose open area is equal to or greater than the masonry opening for the window; the bottom of the window well is below the top of the impervious masonry construction under the window and the minimum horizontal distance at right angle from any point of the window well is equal to or greater than the vertical depth of the window well as measured from the bottom of the masonry opening for the window.

3. The total openable window area in each room is equal to at least the minimum as required under subsection (5) of this section, except where some other approved devices affording adequate ventilation and humidity control are supplied.

4. No space located more than 4 1 /2 feet below grade shall be used as a dwelling unit let to another except when there are two separate stairways to grade or to the first floor and the unit be supplied with at least one approved smoke detector.

5. Recreational rooms, dens or family rooms in single- and two-family homes need not comply with this subsection.

(d) Every dwelling unit of two or more rooms shall have rooms or areas used for sleeping purposes containing at least 80 square feet of floor space for the first two occupants and at least 50 square feet of floor space for each occupant thereafter.

(e) No dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, or cellar or to the exterior of the dwelling unit. This subsection shall not apply to single-family units.

(9) *Adoption of plans of inspection by the city inspection department.* The City of Marshfield Inspection Department is hereby authorized to inspect any premises within the corporate limits of the City of

Marshfield to determine compliance with this section. Such inspection shall be made as deemed appropriate on all other property.

(10) *Inspections.* Powers and duties of the building services supervisor and his authorized representatives shall be as follows:

(a) The building services supervisor and his authorized representatives are hereby authorized to enforce the provisions of this section and are authorized to make any complaint that an alleged violation of the provisions of this section or of applicable rules or regulations pursuant thereto may exist or when the enforcement officer has valid reason to believe that a violation of this section or any rules and regulations pursuant thereto has been or is being committed.

(b) The building services supervisor and/or his authorized representatives are hereby authorized to enter all premises. In the case of dwellings where the owner of record is a resident individual, the building services supervisor shall attempt to notify such individual and in the event that the individual is not available, the building services supervisor shall attempt to notify the resident agent. Notice of intention to inspect shall be mailed to owners of property not less than 48 hours prior to inspections to be conducted within the building.

(c) The building services supervisor and the owner, occupant, or other person in charge of the premises may agree to an inspection by appointment at any reasonable time.

(d) The owner, occupant, or other person in charge of a premises, upon presentation of proper identification by the building services supervisor and upon statement of the purpose of inspection by the building services supervisor, shall give the building services supervisor free access to every part of the premises.

(e) The building services supervisor shall keep confidential all evidence which he may discover or obtain in the course of an inspection made pursuant to this section and such evidence shall be considered privileged, except as may be required for enforcement ofthis section or any state law or other provisions of this code, or as may be required by the Wisconsin Open Records Law, § 19.35 Wis. Stats.

(f) If any owner, occupant, or other person fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this section is sought to be made, the building services supervisor may, upon showing that probable cause exists for the inspection and for issuance of an order directing compliance with the inspection requirements, petition and obtain such order from a court of competent jurisdiction.

1. When required the building services supervisor shall obtain a warrant to inspect.

2. Any person who refuses to comply with an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

(11) *Rules and regulations.* The building services supervisor is hereby authorized to recommend such rules and regulations as he deems necessary for the carrying out of the purposes of this section. Such proposed rules and regulations shall be reviewed by the proper committee and referred to the council.

(12) *Notice of violation.* Notice of a violation of this section shall be given as follows:

(a) Whenever the building services supervisor determines that any premises or premises unit fails to meet the requirements set forth in this section or in applicable rules and regulations issued pursuant thereto, he shall issue an order setting forth the alleged violations of this section and advise the owner that the violation must be corrected within the time period specified on the order. This order shall:

1. Be in writing.

2. Set forth the alleged violations of this section or of applicable rules and regulations issued pursuant thereto.

3. Describe the dwelling or dwelling unit where the violations are alleged to exist or to have been committed.

4. Provide a reasonable time, generally not to exceed 90 days, after which the premises shall be in compliance with any ordinance provisions allegedly violated.

5. Notify the owner, occupant, operator, or agent of the premises or premises unit responsible for compliance with the alleged violation personally or by regular mail addressed to the last known place of residence of the owner, occupant, operator, or agent. Notification may be made upon such person by posting such notice in or about the premises or premises unit described in the notice, or if the owner or his agent can not be found, by causing such notice to be published in the Marshfield News Herald as a class II notice, or by notifying the person's agent. Posting of this notice on the premises is deemed notice to any person making use of such building or premises within one year after the date of posting.

(b) At the end of the period of time allowed for compliance with the provisions other than those regulating exterior premises the building services supervisor shall reinspect the premises or premises unit described in the notice.

(c) The building services supervisor, after the expiration of time granted the person given such notice to seek reconsideration of the order in the manner hereinafter provided by this section or after a final decision adverse to such person served has been rendered by the board of appeals or by a court of competent jurisdiction to which an appeal has been taken, may cause the notice to be recorded in the office of the register of deeds for Wood and Marathon County, Wisconsin. All subsequent transferees of the premises or premises unit in connection with which a notice has been so recorded shall be deemed to have notice of the violations alleged and shall be liable to all penalties and procedures provided by this section and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.

(13) *Repairs and other corrective action.* Repairs and other corrective action shall be in accordance with the following:

(a) Whenever an owner, operator, or agent of a premises or premises unit fails, neglects, or refuses to make repairs, raze or remove, make safe by repairs or other corrective actions called for, the building services supervisor may undertake such repairs or action when in the building services supervisor's judgment a failure to make them will endanger the public health, safety and welfare. If the owner fails to repair or remove a building which is dilapidated or blighted to the extent that such building, dwelling or structure offends the aesthetic character of the immediate neighborhood or produces blight or deterioration of such condition, the building services supervisor may apply to the circuit court for an order determining that such building, dwelling or structure constitutes a public nuisance and the defect shall be remedied.

(b) Notice of intention to make repairs or take other corrective action shall be served upon the owner, operator, or agent pursuant to subsection (12) of this section.

(c) Every owner, operator, or agent of a premises or premises unit who has received notice of the intention of the building services supervisor to make repairs or take other corrective action shall give entry and free access to the agent of the building services supervisor for the purpose of making such repairs. Any owner, operator, or agent of a dwelling unit who refuses, impedes, interferes with, hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to penalties as provided in this chapter.

(d) When repairs are made or other corrective action taken at the direction of the building services supervisor and the owner, operator, or occupant fails to pay for the expenses of such repairs, the cost of such repairs and corrective action shall be levied and collected as a special charge or special tax upon the lot of land upon which such work is done.

(e) No tenancy upon any premises subject to the provisions of this chapter may be terminated by a landlord for the reason that the tenant whose tenancy is proposed to be terminated has reported an actual and existing violation of this chapter to the proper code enforcement authorities.

(14) *Application for reconsideration, hearings, appeals.* Procedures for reconsideration, hearings and appeals under this section shall be as follows:

(a) Hearings shall be conducted in accordance with the following:

1. Any person aggrieved by a notice or order of the building services supervisor issued in connection with any alleged violation of the provisions of this section or of any applicable rules and regulations pursuant thereto or by any order requiring repair or demolition pursuant to subsection (12) of this section, may appeal to the board of appeals of the City of Marshfield a petition setting forth the reasons for contesting the notice or order.

2. Such petition shall be filed within the 30 days upon forms supplied by the City of Marshfield Inspection Department.

3. Upon receipt of a valid petition and payment of the proper fee, the board of appeals shall act upon the petition at the normal monthly meeting or at a special meeting if so requested by the petitioner.

4. The city clerk shall notify the petitioner of the time, date and place of the meeting. Such notification shall be in writing.

5. At the hearing the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn or why the period of time permitted for compliance should be extended.

6. The board of appeals of the City of Marshfield shall have the power to affirm, modify, or revoke the notice or order and may grant an extension of time for performance of any act required if it determines that undue hardship is connected with the timely performance of any act required by the provisions of this section or by applicable rules or regulations issued pursuant thereto and that such extension is in harmony with the general purpose of this section to secure the public health, safety and welfare.

7. The board of appeals may grant variances from the provisions of this section or from applicable rules and regulations issued pursuant thereto when the board of appeals finds that there is practical difficulty or undue hardship connected with the performance of any act required by the provisions of this section or by any applicable rules or regulations issued pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand, or that such variance is in harmony with the general purpose of this section to secure the public health, safety and welfare.

(b) Any person aggrieved by the final decision of the board of appeals of the City of Marshfield may obtain judicial review by filing in a court of competent jurisdiction within 30 days of the announcement of such decision a petition praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the board of appeals.

(15) *Emergencies.* Whenever, in the judgment of the building services supervisor, an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued without notice, conference, or hearing, directing the owner, occupant, operator, or agent to take appropriate action

to correct or abate the emergency. If circumstances warrant, the building services supervisor may act to correct the emergency. This action may include an order to vacate the premises.

(16) Conflict of ordinances; effect of partial invalidity.

(a) For purposes of enforcing this section, in any case where a provision of this section is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City of Marshfield existing on the effective date of the ordinance from which this section derives, or of the Wisconsin Uniform Dwelling Code, the provisions which establish the lower standards for the protection of the public health, safety and welfare shall prevail.

(b) If any section, subsection, paragraph, sentence, clause, or phrase of this section should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section which shall remain in full force and effect and to this end the provisions of this section are hereby declared to be severable.

(Code 1982, § 14.19; Ord. No. 1105, § 1, 6-26-2007; Ord. No. 1126, § 1, 4-8-2008; Ord. No.1149, § 1, 3-10-2009; Ord. No. 1220, § 1, 2-28-2012)

Chapter 16
PLUMBING

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Article I. Administration

Sec. 16-01. State regulations adopted.

(1) *Adopted by reference.* Chapters 106 and 145 Wisconsin Statutes; Chapter SPS 305 and Chapters SPS 381 through 387 Department of Safety and Professional Services are adopted and by reference made a part of this chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, punishable according to the penalties provided in this chapter.

(2) *To be on file.* A copy of the state plumbing code shall be on file in the offices of the plumbing inspector and the city clerk.

(Code 1982, § 15.01; Ord. No. 998, § 1, 10-27-2003; Ord. No. 1220, § 1, 2-28-2012)

Sec. 16-02. Plumbing defined.

In this chapter, "plumbing" shall have the meaning set forth in § 145.01(10) Wis. Stats. And includes:

(1) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and the installation thereof.

(2) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewer system terminal within bounds of or beneath an area subject to easement for highway purposes, including private sewer systems and the alteration of any such systems, drains or waste piping.

(3) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connections.

(4) The water pressure systems other than municipal systems as provided in chapter 281 Wis. Stats.

(5) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety, unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(Code 1982, § 15.02)

Sec. 16-03. Plumbing inspector.

(1) *Appointment, term and compensation.* The council shall appoint a plumbing inspector, along with such other authorized agents as it deems necessary, who shall be a licensed plumber under § 145.05 Wis. Stats. and who, unless under civil service, shall serve for a term as fixed by the council, subject to removal for just cause, and whose compensation shall be as fixed by the council from time to time. In the event that no licensed plumber is available for such position, the council may appoint a temporary inspector who shall be familiar with this chapter, the Wisconsin Plumbing Code and general rules and practice of the plumbing trade. Upon appointment of a plumbing inspector, the duties and responsibilities of the temporary inspector shall terminate.

(2) *Duties and authority.* Duties and authority of the plumbing inspector shall be as follows:

(a) *Generally.* The plumbing inspector shall enforce all provisions of this chapter and all other state and city provisions relating to the construction, installation, alteration and repair of all plumbing within the city and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement. The plumbing inspector or his authorized agent shall issue citations enforcing this chapter and for nuisances under chapter 11 of this Code in the Marshfield Municipal Court.

(b) *Authority to enter premises.* The plumbing inspector shall have the authority to enter premises as follows:

1. In the discharge of his duties, the plumbing inspector or his authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required under this chapter. No person shall interfere with the inspector or his authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this chapter and subject to a penalty as provided by section 16-07 of this chapter.

2. If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, for inspection purposes has been denied, the plumbing inspector shall obtain a special inspection warrant under § 66.0119(3) Wis. Stats.

(c) *Permits.* The plumbing inspector or his authorized agent shall prepare suitable forms for permit applications and permits, shall take applications and issue to qualified applicants permits as required for all work contemplated by this chapter and shall maintain suitable records of the permits issued. He shall weekly submit permit fees collected by his office to the finance director.

(d) *Records and reports.* The plumbing inspector shall keep records and make reports as follows:

1. *To the building services supervisor.* The plumbing inspector shall keep in his office a daily record of all the transactions of his office, including permits issued and fees received and shall make monthly and annual reports thereon to the building services supervisor.

2. *To the Department of Safety and Professional Services.* The plumbing inspector shall make such reports to the Department of Safety and Professional Services as required by state law.

3. *Record of special locations.* The plumbing inspector shall keep a record of all sewer and water connections and shall make maps showing the locations of the sewer and water connections and the positions of all house drains, connections, junctions and other data necessary for the efficient operation of his office.

(e) *Stop work orders.* The plumbing inspector may order work stopped on the construction, installation, alteration or repair of plumbing when such work is being done in violation of this chapter. Work so stopped shall not be resumed except with written permission of the plumbing inspector, provided if the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time.

(Code 1982, § 15.03; Ord. No. 998, § 2, 10-27-2003; Ord. No. 1031, § 4, 10-12-2004)

Sec. 16-04. Issuance of plumbing permits and inspection.

(1) *Required.* No work contemplated by this chapter shall be started until a permit therefor has been obtained from the plumbing inspector or his authorized agent, provided no permit shall be required for minor repairs to faucets or the removal of stoppages in soil and waste pipes.

(2) *Application.* The application shall be in writing upon forms which the plumbing inspector shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the plumbing inspector may require and shall state that the property owner and the applicant will be bound by and subject to the provisions of this chapter.

(3) *Issuance, term, suspension and revocation.* When the plumbing inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this chapter and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall be good for the continuous performance of the work named thereon.Apermit shall automatically expire when work ceases for a period of 60 days without good and reasonable cause for the cessation and shall automatically expire on completion of the work for which it was issued; provided the plumbing inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this chapter.

(4) *Restrictions on issuance.* Restrictions on issuance of the plumbing permit are as follows:

(a) No plumbing permit shall be issued to any person who is in violation of this chapter until such violation has been corrected.

(b) No plumbing permit shall be issued to any person against whom an order issued by the plumbing inspector is pending, provided this restriction may be waived by the plumbing inspector.

(5) *Appeals for failure to issue, suspension and revocation.* Any person directly interested who is aggrieved by the decision of the plumbing inspector to refuse to issue a permit or to suspend or revoke such permit or to order work stopped under section 16-03(2)(e) of this Code, may within ten days appeal such decision to the state plumbing inspector, whose decision shall govern.

(6) *Fees.* Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

(Code 1982, § 15.04; Ord. No. 970, § 1, 1-28-2003; Ord. No. 1038, § 1, 1-11-2005; Ord. No. 1324, 12/8/15)

Sec. 16-05. Plumbers to be licensesd.

All plumbing work shall be done only by a plumber licensed by the state for such work, provided a property owner may make repairs or installations in a single-family building owned and occupied by him at his home if a permit therefor is issued and work is done in compliance with the provisions of this chapter.

(Code 1982, § 15.05)

Sec. 16-06. Registration of plumbers.

(1) *To be on file.* All master plumbers engaged in the business of plumbing in the city and all journeymen plumbers and apprentice plumbers working at the plumbing trade in the city shall register with the plumbing inspector who shall keep such registration on file in his office.

(2) *Information to be supplied.* Such registration shall consist of the full name and address, license number and current receipt number of each master or journeyman licensee. For an apprentice, the year of apprenticeship and the shop to which he is indentured shall be indicated.

(3) *Registration requirements limited.* The purpose of this section is solely to provide for the administration of state licensing requirements and this chapter. No fee shall be charged for any plumber's registration nor shall any information other than that specified in subsection (2) of this section be required.

(Code 1982, § 15.06; Ord. No. 1095, § 1, 3-27-2007)

Sec. 16-07. Penalty.

Any person who shall violate any provision of this chapter or any regulation, rule or order made under this chapter shall be subject to a penalty as provided in section 1-05 of this Code.

(Code 1982, § 15.15)

Secs. 16-8—16-20. Reserved.

Article II. Plumbing Installation

Sec. 16-21. Water service materials and depth.

(1) All water pipes or lines laid underground shall be of type K copper tubing polywrapped, Class 52, cement lined, ductile iron from the city water main to the curb stop. After the curb stop, other material may be used as provided at SPS 384.30.

(2) All water laterals from the city water main to the lot line shall be laid in accordance with the provisions of section 16-24(3), (4) and (5) of this chapter.

(Code 1982, § 15.07; Ord. No. 998, § 3, 10-27-2003)

Sec. 16-22. Unsanitary installations.

The plumbing inspector shall report to the building services supervisor all instances where the plumbing in any building is contrary to the ordinances of the city, or is of faulty construction and liable to breed disease or sickness or is a menace to health. Upon complaint made to the plumbing inspector or building services supervisor by any person, the building services supervisor shall direct the plumbing inspector to examine all the plumbing in the building and report his findings, in writing, to the building services supervisor, suggesting such changes as are necessary to put the plumbing in the proper sanitary condition. The building services supervisor thereupon shall direct such changes to be made as he deems necessary and fix a time for doing the work.

(Code 1982, § 15.10)

Sec. 16-23. Sump pump piping.

Sump pump discharge piping shall be metallic piping or rigid PVC or ABS plastic piping. Flexible plastic shall not be used. The discharge shall terminate not less than 12 inches beyond the exterior of the structure. This section shall apply to all existing sump pump installations.

(Code 1982, § 15.12)

Sec. 16-24. Connections.

(1) Where "Y" or "T" openings are provided in sanitary sewer mains, private sanitary sewer laterals shall be connected to such openings by a licensed plumber. The director of public works shall be responsible for keeping the necessary records for the location of these openings and shall furnish a copy of such records to the plumbing inspector for the use of permit holders.

(2) Where no "Y" or "T" opening has been provided, the connection must be installed with a watertight sealed saddle fitting. A portion of the main sewer may also be removed and a "Y" or "T" section may be reinstalled with compression joints. These connections must be bedded at least six inches below and shaped around the pipe with at least three-fourths-inch sieve washed stone.

(3) Sanitary sewer laterals from the city sewer main to the property line shall be laid at a grade of one-eighth inch per foot grade after connection has been made. Provided, that in the event the depth of the sewer main is greater than eight feet, a riser may be used to obtain the eight-foot height level.

(4) All excavation necessary for the construction of sanitary sewer laterals shall be made by the permit holder. Excavations which are to be entered by city employees must be protected in conformity with the Tunnel, Trench and Caisson Code of the state industrial commission.

(5) The connections provided for in subsections (1), (2) and (3) of this section shall be made only under the supervision of the plumbing inspector, or some other city officer designated by him, and shall be left open by the permittee until approved by such official. Only the city engineer may grant a variance or exception to the provisions of this section, and then only for reasons of adverse soil conditions or the presence of other utilities.

(Code 1982, § 15.08)

Sec. 16-25. Cross connection control.

(1) *Definition.* A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Marshfield water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) *Cross connection prohibited.* No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Marshfield may enter the supply or distribution system of the municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by Marshfield Utilities and by the Wisconsin Department of Natural Resources in accordance with section NR 810.15(2) Wisconsin Administrative Code.

(3) *Inspection.* It shall be the duty of the city plumbing inspector to cause inspections to be made of all properties served by the public water systems where cross connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the city plumbing inspector and as approved by the Wisconsin Department of Natural Resources.

(4) *Right of entry for inspection.* Upon presentation of credentials, the representative of the city plumbing inspector's office shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of Marshfield for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under § 66.0119Wis. Stats. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

(5) *Discontinuance of water service.* Marshfield Utilities is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under ch. 68 Wis. Stats., except as provided in subsection (6) of this section. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.

(6) *Emergency discontinuance of service.* If it is determined by the Marshfield Electric and Water Department that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the City of Marshfield and a copy delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under chapter 68, 68, Wisconsin Statutes, within ten days of such emergency discontinuance.

(7) *Saving clause.* Nothing contained in this section shall be construed as conflicting with the state plumbing code adopted by this chapter by reference or the other provisions of this chapter, but shall be considered supplementary thereto.

(Code 1982, § 15.11)

Sec. 16-26. Construction of sanitary sewer laterals.

(1) All gravity flow sanitary sewer laterals constructed, altered or installed in the city shall be four-inch minimum in size, and shall be made out of either cast iron, PVC plastic, or ABS plastic material.

(2) The term "sanitary sewer lateral" as used in this section shall mean any drain used for transmitting sewage from outside of any foundation or other wall to the sanitary sewer main.

(3) Unless prevented by topography, each buildable lot must have a separate sanitary sewer lateral connected directly to a public sanitary sewer constructed in the street right-of-way adjacent to the buildable lot.

(4) Sanitary sewer laterals shall not be connected into manholes unless approved by the city engineer.

(Code 1982, § 15.09; Ord. No. 998, § 4, 5, 10-27-2003)

Sec. 16-27. Sewer lateral repair/replacement/abandonment.

(1) *Detecting problems.* All wastewater treatment personnel and public works personnel shall notify their supervisors whenever any possible broken sewer lateral or broken sewer main is detected. This shall include, but not be limited to, any unusual depressions in front yards, ditches or roadways, and to city crews operating the sewer television equipment and sewer cleaning equipment. The supervisors shall inform the director of public works who shall notify the city plumbing inspector of the possible problem.

(2) *Inspection of possible problems and testing.* The plumbing inspector shall inspect the site and shall conduct any necessary tests to verify clear water infiltration into the city sewer main. The plumbing inspector shall enlist the aid of wastewater treatment personnel or street division personnel to conduct any tests he deems necessary to verify clear water infiltration. Testing methods may be dye testing, smoke testing or visual inspections as deemed necessary. Clear water infiltration shall be verified by an inspection team of city employees, consisting of the plumbing inspector, wastewater superintendent and the assistant street superintendent and also the property owner.

(3) *Orders to the property owner.* Orders to the property owner shall be given as follows:

(a) Upon verification of clear water infiltration into the sewer main, the plumbing inspector shall issue an order to the property owner to replace or repair the lateral within a reasonable period of time. The owner shall contract with licensed personnel of his choice to replace or repair the lateral. The owner or contractor shall obtain a plumbing permit and notify the plumbing inspector when the excavation will commence. The plumbing inspector shall be at the job site at the time the replacement or repair is being made. The lateral shall be replaced for the entire length from the location of the break to the public sanitary sewer located in the street right-of-way. unless it is constructed of PVC/ABS plastic or cast iron (with rubber gaskets) which is otherwise in good condition. With PVC/ABS plastic or cast iron (with rubber gaskets) in good condition, a spot repair is allowed.

(b) Prior to or at the time of replacement of a lateral the plumbing inspector and wastewater treatment plant personnel shall inspect the remainder of the lateral from the break to the building being served. If the inspection determines it to be necessary orders shall be issued to the property owner to replace the remainder of the lateral from the break to the building being served.

(4) *Determination of responsibility and payment of repairs.* Determination of responsibility and payment of repairs shall be in accordance with the following:

(a) If the inspection team has determined that the city main is sound and that the sewer lateral must be replaced, he shall so notify the owner and advise him/her that all expenses regarding such replacement are his/hers before the actual replacement is made.

(b) If in the opinion of the inspection team, the sewer main or riser is broken or faulty outside of one foot from the lateral tap (see drawing) along with a faulty or broken lateral, he shall notify the owner that he/she may submit a claim to the city for partial payment of the bill.

(c) If the plumbing inspector, wastewater superintendent and assistant street superintendent have determined that all clear water infiltration is totally due to a faulty sewer main, he shall so notify the owner of the property and shall notify the owner that the expenses shall be paid for by the city.

(d) Determination of fault and partial fault shall be decided jointly with the plumbing inspector, director of public works and wastewater treatment superintendent. Such determinations shall be in writing, with copies to the property owner and the proper city committees, and the board of public works.

(e) The wastewater utility shall be responsible for all street and/or sidewalk repair costs associated with a replacement of a sanitary sewer lateral. This responsibility for street and/or sidewalk repair costs shall be retroactive to October 13, 1992.

(5) *Sewer lateral abandonment.* Procedures for abandonment of a sewer lateral shall be as follows:

(a) Any sanitary sewer lateral shall be considered abandoned if a building which it serves is being moved or razed. Prior to any building being moved or razed, any floor drain or cleanout in the building leading to the sanitary sewer shall have a temporary plug or cap installed in it. All abandoned sanitary sewer laterals must be properly capped within 30 days at the sanitary sewer main by the property owner. Only PVC/ABS plastic or cast iron (with rubber gaskets) sanitary sewer laterals in good condition can be used for new development on a property where a building has been moved or razed.

(b) An exception to the 30-day completion requirement shall be made for the time period of December 1 to April 15 of the following year and/or for the time period when a roadway is posted for "weight limits." The 30-day completion requirement shall be enforced after expiration of either of these limitations. During these exception time periods, the lateral for the razed building must be temporarily capped as approved by the plumbing inspector.

(6) *Reports.* The plumbing inspector shall report all clear water infiltration problems and corrective actions in writing monthly to the building services supervisor and wastewater treatment superintendent and quarterly to the director of public works. An annual report shall also be submitted to the director of public works, building services supervisor and wastewater treatment superintendent.

(Code 1982, § 15.091)

Secs. 16-28—16-40. Reserved.

Article III. Wells

Sec. 16-41. Purpose.

The purpose of this article is to prevent contamination of groundwater and to protect public health, safety and welfare by ensuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross connected to the municipal water system are properly abandoned.

(Code 1982, § 15.13(1))

Sec. 16-42. Applicability.

This article applies to all wells located on premises served by the Marshfield Utility Commission municipal water system.

(Code 1982, § 15.13(2))

Sec. 16-43. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal water system means a system for the provision to the public of piped water operated by the Marshfield Utility Commission.

Noncomplying means a well or pump installation which does not comply with the provisions of ch. NR 811 Wisconsin Administrative Code in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

Pump installation means the pump and related equipment used for withdrawing water from a well including the discharging piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances exceeding the standards of ch. NR 809 Wisconsin Administrative Code, or for which a health advisory has been issued by the department of natural resources.

Unused means a well or pump installation which is not in use or does not have a functional pumping system.

Well means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

Well abandonment means the filling and sealing of a well according to the provisions of ch. NR 811 Wisconsin Administrative Code.

(Code 1982, § 15.13(3))

Sec. 16-44. Abandonment required.

(1) All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this article and ch. NR 811 Wisconsin Administrative Code, no later than 60 days from the date of connection to the municipal water system, unless a well operation permit has been obtained by the well owner from Marshfield Utilities.

(Code 1982, § 15.13(4); Ord. No. 1044, § 1, 2-22-2005)

Sec. 16-45. Well operation permit.

Marshfield Utilities may grant a permit to a private well owner to operate a well for a period not to exceed five years providing the conditions of this article are met. An owner may request renewal of a well operating permit by submitting information verifying that the conditions of this article are met. Marshfield Utilities or its agent may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the clerk. The following conditions must be met for issuance or renewal of a well operation permit:

(1) The well and pump installation meet or are upgraded to meet the requirements of ch. NR 811 Wisconsin Administrative Code;

(2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells, unless the department of natural resources approves, in writing, the continued use of the well;

(3) There are no cross connections between the well and pump installation and the municipal water system; and

(4) The owner can demonstrate a need for continued current use of the well and pump installation.

(Code 1982, § 15.13(5))

Sec. 16-46. Abandonment procedures.

Procedures for abandonment shall be as follows:

(1) All wells abandoned under the jurisdiction of this article or rule shall be abandoned according to the procedures and methods of ch. NR 811 Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(2) The owner of the well, or the owner's agent, shall notify Marshfield Utilities at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Marshfield Utility Commission.

(3) An abandonment report form, supplied by the department of natural resources, shall be submitted by the well owner to Marshfield Utilities and the department of natural resources within ten days of completion of the well abandonment.

Sec. 16-47. Penalties.

If any person fails to comply with this article for more than ten days after receiving written notice of the violation, such person shall be subject to the penalty as provided in section 16-07 of this Code, and the City of Marshfield may cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

Chapter 17

ELECTRICAL CODE

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Article I. In General

Sec. 17-01. Purpose.

The purpose of the electrical code in this chapter is to safeguard life and property and to give assurance of all manner of electrical work being done in a workmanlike manner, by regulating and providing for the inspection of the installation and maintenance of electrical wiring, equipment and devices, and to enforce appropriate licensing of persons undertaking electrical work, and fixing a penalty for the violation thereof.

(Code 1982, § 16.01.ORD 1249 6/11/12)

Sec. 17-02. State electrical code adopted.

(1) *State code adopted by reference.* The provisions and regulations of the electrical code adopted by the Wisconsin Department of Safety and Professional Services as set forth in the Wisconsin Administrative Code are hereby made a part of this chapter in their entirety by reference; provided, that where the provisions of this chapter are more restrictive or require higher standards than the state code, not in conflict with the minimum requirements thereof, the provisions of this chapter shall apply. Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, subject to the penalties provided in this chapter.

(2) *Utility.* Rules and regulations of the public service commission, the city electric utility and any additional requirements of the city and the state pertaining to electrical work shall be adhered to and shall be subject to inspection and enforcement by the city electrical inspector as part of this chapter.

(Code 1982, § 16.18(1))

Sec. 17-03. Definitions.

Repealed
(Code 1982, § 16.05; Ord. No. 947, § 1(16.05), 11-12-2001. ORD 1249 6/11/2013)

Sec. 17-04. Emergency electrical work.

When doing emergency electrical work, the person doing or causing work to be done shall report the action to the electrical inspector, on forms furnished by the city, the next business day after commencing such work. Such work shall be done in accordance with the provisions of this chapter.

(Code 1982, § 16.12)

Sec. 17-05. Approved appliances.

No person shall keep, offer for sale or sell within the city, any electrical appliance, equipment or fixtures designed for or intended to be used for the production, transmission or utilization of electrical current or power, unless such appliance, equipment or fixtures have been approved by a nationally recognized testing agency, the Department of Safety and Professional Services, or the electrical inspector. The electrical inspector may make periodic inspections to ensure compliance with this section.

(Code 1982, § 16.16; Ord. No. 1220, § 1, 2-28-2012)

Sec. 17-06. Appeal

Any person may appeal to the board of electrical examiners for a review of any decision of the electrical inspector or the deputy electrical inspector. Such appeal must be made in writing within five days after such person has been notified of such decision by the electrical inspector or the deputy electrical inspector. Upon receipt of such appeal, the board of electrical examiners shall determine whether the action of the electrical inspector or the deputy electrical inspector complies with this chapter, and shall make a decision in accordance with its findings within five days after such appeal is made. On an appeal, five members of the board of electrical examiners shall constitute a quorum, but a decision shall require the affirmative vote of at least four members. The chairman of the board shall have a vote in such matter.

(Code 1982, § 16.19)

Sec. 17-07. Penalty.

Any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided at section 1-05 of this Code.

(Code 1982, § 16.25)

Secs. 17-8—17-35. Reserved.

Article II. Administration

Sec. 17-36. Board of electrical examiners. Repealed

(Code 1982, § 16.03, ORD 1242 6/11/2013, ORD 1274, 4/22/14)

Sec. 17-37. Creation of offices, qualifications and duties.

(1) *Offices created.* There are hereby created the offices of electrical inspector and deputy electrical inspector.

(2) *How appointed.* The council shall appoint the electrical inspector, and may appoint a deputy electrical inspector, upon the recommendation of the board of electrical examiners.

(3) *Qualifications.* The persons chosen to fill the offices of electrical inspector and deputy electrical inspector shall be of good moral character, possessed of such executive ability requisite for the proper performance of their duties and shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment to provide safety to persons and property; the Wisconsin Statutes relating to electrical work; and any rules, ordinances and regulations issued by authority thereof and under the National Electrical Code. They shall meet the qualifications and be certified as a commercial electrical inspector by the State of Wisconsin within six months of being hired.

(4) *Duties.* It shall be the duty of the electrical inspector and the deputy electrical inspector to enforce the provisions of this chapter. Complete records of all permits issued and inspections made and other official work performed under the provisions of this chapter shall be kept by them and so arranged as to afford prompt information concerning electrical installations.

(5) *Inspection.* The electrical inspector and deputy electrical inspector and all assistants acting by their orders shall have the right, during reasonable hours, to enter any public or private building, structure, premises or subways in the discharge of their official duties, for the purpose of making any inspection or test of electrical wires, appliances, equipment and devices contained therein.

(a) They shall be given prompt access to any premises upon notification to the proper person in authority thereof. The electrical inspector or deputy electrical inspector may inspect all the electrical installations and apparatus in the factories, mills, shops, and other places of occupancy in the city and when such installations or apparatus are found to be in a dangerous condition, they shall notify the person owning, using, operating or installing the electrical installations and apparatus to place them in a safe condition.

(b) Any person failing or refusing to make the necessary repairs and failing to have the repairs completed within 15 calendar days after the receipt of such notice shall forfeit and pay into the city treasury the sum of $50.00 for each day which shall elapse after the expiration of such period.

(c) The electrical inspector shall be permitted to order the discontinuance of electrical service to such defective installations or apparatuses until they have been repaired, removed, or changed as directed by the electrical inspector, subject to the limitations of this chapter.

(d) An inspection shall be made as soon as is practical if a complaint is made by a tenant, the municipal electric utility, or other concerned citizen on problems of an electrical nature.

(6) *Authority.* The electrical inspector and/or deputy electrical inspector shall have the general management and control of all matters pertaining to electrical inspections and enforcement of relevant law, to include authority to cause the turning off of all electrical currents to any equipment which they find to be in an unsafe condition, and to cut off or discontinue electrical services in case of emergency and where such

electrical currents are dangerous to life or where such currents may interfere with the work of the fire department. No person shall reconnect any equipment thus cut off until written permission is obtained from the electrical inspector or a designated representative. The electrical inspector or the deputy shall have the authority to enter all buildings and premises and all parts thereof, in order to make an inspection, or test the electrical apparatus or wiring therein or thereon in order to enforce the regulations of this chapter. The issuance of a valid electrical permit shall also constitute permission to inspect the premises where electrical work is being performed. Refusal to allow reasonable inspections shall constitute grounds for revocation of the permit and any electrical work shall no longer be continued. The electrical inspector and/or deputy electrical inspector or their authorized agent shall have the power to issue citations enforcing this chapter and nuisances under chapter 11 of this Code in the Marshfield Municipal Court.

(Code 1982, § 16.04; Ord. No. 1031, § 5, 10-12-2004)

Sec. 17-38. Licenses.

(1) *License requirements.* No person shall engage in or undertake to do any electrical work as defined in this chapter, within the City of Marshfield, except in the usual operation of public or private electrical utilities relating to those portions not covered by the State of Wisconsin electrical code, without first having procured a proper State of Wisconsin license. Except as provided elsewhere in this chapter, any electrical components or devices installed by an unlicensed person shall be removed by the owner within 15 calendar days after notice is given. The owner of the property shall be responsible for any costs incurred for this removal if the electrical inspector orders this removal and the owner does not comply. All electrical work as outlined under 17-41(2) shall be performed under the supervision of a State of Wisconsin licensed electrical contractor.

(Code 1982, § 16.06; Ord. No. 947, § 1(16.06), 11-27-2001; Ord. No. 972, § 1, 2-25-2003; Ord. No. 984, § 1 (16.06(9)), 7-22-2003; Ord. No. 1024, § 1, 6-22-2004, Ord 1249 June 11, 2013)

Sec, 17-39 Repealed

(Code 1982, § 16.08, Ord 1249, June 11, 2103)

Sec. 17-40 Repealed

(Code 1982, § 16.09, Ord. 1249, June 11, 2013)

Sec. 17-41. Permits.

(1) *Permit applications.* Permits shall be required for all electrical work done or performed in the city by those homeowners who are allowed to wire by section 17-44 of this chapter. Any electrical work performed on electrical services, including repairs; or any wiring for fire alarm or asset protection systems, including changes to existing systems, shall require an electrical permit. All other electrical work performed in the city that has a minimum dollar value of $500.00 for parts and labor shall require a permit. All permits shall be issued by the electrical inspector upon the filing of a proper application by the person proposing to perform the work on forms furnished by the inspector. Applications shall describe the nature of the work to be performed, include an electrical wiring plan, and such other information as may be required by the inspector. No electrical work shall be done until such permit has been obtained. An elecrical permit form signed by a representative of a State of Wisconsin licensed electrical contracting firm that is sent to the electrical inspector's office shall be considered as proper application for a permit. Electrical wiring for all new buildings and additions to buildings shall require a permit no matter the value of the work. All electrical permit fees shall be paid for and wiring plan(s) approved before a permitapplication is considered

to be valid and a permit issued for the work as described. An electrical permit shall expire one year after it is issued unless significant progress has been made toward completion of the project for which the permit was issued. The electrical inspector may grant extensions on this initial permit.

(2) *Required.* Permits shall be required for all electrical work and required inspections of existing facilities, including but not limited to:

(a) Wiring for light, heat or power in any building or structure.

(b) Installing fixtures in any building or structure.

(c) Installing any motors.

(d) Any service entrance and all electrical openings.

(e) The extension or alteration of any existing circuit.

(f) Primary and secondary wiring of electric signs, both indoor and outdoor.

(g) Electric billboards and signboards.

(h) Field-installed neon skeleton signs or field-installed neon outline lighting.

(i) Wiring of all elevators, both freight and passenger.

(j) Replacing or repairing an old or existing service.

(k) Temporary wiring, including temporary electrical services, on new or remodeled buildings. The application for this permit shall state the length of time for which such temporary work shall exist. Such permit shall be granted for not more than 60 days, but such period may be extended in writing by the electrical inspector. The permittee shall be responsible for any hazards or dangers that might exist during the period of this temporary wiring, and shall remove all such temporary wiring upon the expiration of the period.

(l) All fire alarm and asset protection system wiring including any changes to existing systems.

(3) *Not required.* No permit shall be required for the following:

(a) The manufacturing, assembling, repairing or testing of listed electrical equipment for which no license is required.

(b) Minor repairs of cords, flush snap switches, replacing fuses, or repairing luminaires.

(c) The installation of any plug-in appliances of less than 1,500 watts.

(d) Any electrical work not covered by the State of Wisconsin Electrical Code or the National Electrical Code, that is done or performed by the city electric department in the normal and ordinary course of utility business or operations.

(e) Direct replacement due to damage or defect of any existing individual receptacle, switch, lighting fixture, or motor on an existing branch circuit. This replacement shall not constitute changes to the branch circuit that supplies these devices other than small changes to permit this direct change.

(f) Rewinding or replacing electric motors.

(g) Connecting, disconnecting, reconnecting or repairing any cord-connected appliance which has been approved by a nationally recognized testing agency, the Department of Safety and Professional Services, or the electrical inspector.

(h) Electrical work completed by listed sign installers or HVAC/appliance installers under 17-38(3) or 17-38(4)(b). All new circuit wiring or new circuit extensions to these electrical items shall be subject to the licensing, permit, and inspection provisions of this chapter.

(4) *Fees.* Fees shall be as stated in the City of Marshfield Free Schedule as established by the Common Council and shall be on file in the office of the City Clerk.

(5) *Work Halted*. The Electrical Inspector shall have the authority to order any work halted where no permit has been obtained, if required, except in cases of emergency, in which case the permit must be obtained the next business day.

(Code 1982, § 16.11; Ord. No. 947, § 1(16.10), 11-27-2001; Ord. No. 971, § 1, 1-28-2003; Ord. No. 1024, § 1, 6-22-2004; Ord. No. 1037, § 1, 1-11-2005; Ord. No. 1049, § 1, 5-24-2005; Ord. No. 1067, § 1, 3-28-2006; Ord. No. 1111, § 1, 9-25-2007; Ord. No. 1135, § 1, 8-12-2008; Ord. No. 1220, § 1, 2-28-2012, Ord No. 1249, June 11, 2013; Ord No. 1254 7/23/13; Ord. No. 1324, 12/8/15)

Sec. 17-42. Withholding of permits.

If a licensed contractor or other person has installed or caused to be installed any wiring devices, apparatus or fittings constituting a hazard, and is notified by the electrical inspector of such hazard, such person shall be barred from doing any more work on that job or any other job until such time as the hazard is eliminated or corrected and approval given to continue by the electrical inspector.

(Code 1982, § 16.14(2))

Sec. 17-43. Electrical inspection.

(1) *Notification.* Upon completion of the performance of any electrical work for which a permit is required under the terms of this chapter, and before any such work is hidden from view, the permittee shall notify the electrical inspector's office. The inspector shall inspect such work within two business days after such notice is received. If the inspector determines that such work fully complies with all applicable codes, and is otherwise safe, he or she shall approve the work. The work can then be covered and/or completed. If the inspector determines that the work is otherwise than in compliance with this subsection, he or she shall order the permittee to make such changes or additions as may be necessary, to be completed within a period of ten days. When such changes or additions have been made, the electrical inspector shall be notified, and shall reinspect the work. The inspector's office shall be notified at least two business days before covering any wiring or before occupancy takes place for work completed under provisions of this chapter.

(2) *Reinspection.* The electrical inspector shall have the authority to reinspect any electrical work wherever and whenever he or she deems it necessary.

(3) *Scheduling.* All requests for inspection shall be made to the inspector by 12:00 noon for inspection two business days prior to the requested inspection. No inspections shall be made on Sundays or legal holidays, unless the inspector deems it necessary.

(4) *Red tags.* Red tags, furnished by the city bearing the owner's name, address, and violation needing correction, shall be attached to all electrical work needing correction. These tags shall not be removed except by the electrical inspector, or some person authorized by the inspector, after approval of the work.

(5) *Red caution tape.* A red caution marking tape is required to be installed 12 inches above all buried electrical power cables or conduits buried for the purpose of containing electrical power wires. Other than telephone, cable TV and Class 2 protected wiring, all wiring methods installed using an open trench method of burial that are not totally encased in two inches or more of concrete shall have this warning tape. Code allowed wiring installations that are less than 18 inches deep shall have this warning tape placed six inches above the installation.

(6) Each separate electrical service on city owned property shall consist of a single main disconnect other than a service that supplies power to a fire pump or other system required to be separated for reasons of safety.

(7) All power wires installed below grade or exposed on public property in the City of Marshfield or going to City of Marshfield facilities shall be enclosed in a listed conduit system.

(8) A minimum electrical supply of 100 amps shall be installed for each individual dwelling unit.

(9) Two wire receptacles devices on two wire circuits, when changed, shall be replaced with GFCI protected and labeleld three wire receptacles.

(Code 1982, § 16.13; Ord. No. 984, § 1 (16.15), 7-22-2003; Ord. No. 1111, § 1, 9-25-2007)

Sec. 17-44. Homeowner's privilege.

(1) *Permits.* No person shall wire his or her home or any part thereof, or make any changes or additions to the wiring therein without first securing permission from the electrical inspector. The inspector shall determine whether such person has sufficient knowledge of the work contemplated in order to do such work in a proper manner. The inspector may issue a permit for such work. The only type of person contemplated under this section is a property owner installing electrical wiring in a single-family residential dwelling which is owned and occupied by such person at the time the work is to be completed, is their legal residence, and is not for sale or for rent in whole or part. Only State licensed Electrical Constractors may install, repair, or do work on electrical services.

(2) *Affidavits.* Prior to receiving the permit for electrical work, and as a condition thereto, the homeowner shall execute an affidavit certifying that all of the electrical work shall be done by himself at the premises concerned and it will fully conform in all respects with the requirements of the state and city electrical codes and all pertinent ordinances of the city. The city and the electrical inspector are absolved from any liability because of a noncompliance of any such electrical work with the requirements of such codes and/or ordinances.

(3) *Inspections.* At least two business days before any electrical construction is concealed the owner must request an inspection of that part of the electrical construction. At the completion of all work this nonlicensed person must notify the electrical inspector for a final inspection at least two business days before this wiring is utilized. Any defects shall be corrected within 15 days after any notification. A refusal to do so in a timely matter shall constitute a violation of this chapter.

(Code 1982, § 16.09; Ord. No. 1111, § 1, 9-25-2007. Ord No. 1249 June 11, 2103)

CHAPTER 18

General Zoning ordinance

Chapter 18 i

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ARTICLE I: INTRODUCTION AND DEFINITIONS

Section 18-01: Title

This Chapter shall be known, cited, and referred to as the City of Marshfield Zoning Ordinance, except where as referred to herein, where it shall be known as "this Chapter."

(ORD 1240, 11/13/12)

Section 18-02: Authority

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter. State Law References: Sections 62.23(7), 62.231, and 87.30, Wisconsin Statutes.

(ORD 1240, 11/13/12)

Section 18-03: Purpose and Intent

This Chapter is adopted for the purpose of protecting the health, safety, morals, comfort, convenience, and general welfare of the public. This Chapter is designed to control and lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote adequate light and air; to protect groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect, and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in Section 157.70(1)(b), Wisconsin Statutes. It is also the intent of this Chapter is to implement certain goals and objectives of the City of Marshfield Comprehensive Plan, which are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

(ORD 1240, 11/13/12)

Section 18-04: Separability and Non-Liability

It is hereby declared to be the intention of the City of Marshfield Common Council that provisions of this Chapter are separable in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.

(3) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

(4) The City does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

(ORD 1240, 11/13/12)

Section 18-05: Abrogation

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

(ORD 1240, 11/13/12)

Section 18-06: Rules of Interpretation

(1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Marshfield.

(2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more restrictive or which impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.

(3) No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit (e.g. swing set, clothesline, etc.), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.

(4) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within one year from the date of such permit.

(5) Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (See Article V), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter. In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.

(ORD 1240, 11/13/12)

Section 18-07: Jurisdiction

This Chapter is applicable to all territory located within the corporate limits of the City of Marshfield.

(ORD 1240, 11/13/12)

Section 18-08: Re-enactment and Repeal

(1) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters previously known collectively as the "General Zoning Ordinance," Chapter 18 of the Code of Ordinances for the City of Marshfield, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there

under are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.

(2) All provisions of Chapter 18 of the City of Marshfield Code of Ordinances which are not re-enacted herein are hereby repealed.

(3) The adoption of this Chapter shall not adversely affect the City's right to prosecute any violation of the predecessor Zoning Code, provided the violation occurred while that Chapter was in effect.

(ORD 1240, 11/13/12)

Section 18-09: Effective Date

This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Official Zoning Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to developer agreement provisions.

(ORD 1240, 11/13/12)

Section 18-10: Word Usage

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.

(3) The masculine gender shall include the feminine, and vice versa.

(4) The words "shall," "must," and "will" are mandatory.

(5) The words "may," "can," and "might" are permissive.

(6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

(7) The word "City" shall mean the City of Marshfield, Wisconsin.

(8) The word "county" shall mean the County of Wood or the County of Marathon, Wisconsin.

(9) The word "state" shall mean the State of Wisconsin.

(10) The words "Plan Commission" shall mean the City of Marshfield Plan Commission.

(11) The word "Council" shall refer to the City of Marshfield Common Council.

(12) The words "Board" or "Board of Appeals" shall refer to the City of Marshfield Zoning Board of Appeals.

(13) If there is any ambiguity between the text of this Chapter and any illustration or figure, the text shall control.

(ORD 1240, 11/13/12)

Section 18-11: Abbreviations

The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
CUP	Conditional Use Permit
ft	Foot

GSA	Gross site area
ISR	Impervious surface ratio
LSR	Landscape surface ratio
MGD	Maximum gross density
MLA	Minimum lot area
N/A	Not applicable
NDA	Net developable area
sq. ft.	Square feet
Wis. Stats.	Wisconsin Statutes

(ORD 1240, 11/13/12)

Section 18-12: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Definitions provided by this Section include:

Abut: To share a common boundary. Properties separated by a public right of way shall not be considered abutting.

Access: A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

Accessory building, nonresidential: A structure subordinate to the principal building which is located on the same nonresidential parcel.

Accessory building, residential: A structure subordinate to the principal building which is located on the same residential parcel. Accessory residential structures include garages, carports, other parking spaces, swimming pools, tennis courts, and tool sheds. Accessory structures in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Minor/Conditional Home Occupation and shall not permit the commercial boarding of animals or the keeping of fowl or farm animals. The post of a carport is considered the wall for setback purposes.

Accessory building, attached: An accessory building which is physically connected to the principal building. Attached accessory buildings shall be considered part of the principal structure and are subject to the setback standards for the principal structure.

Accessory building, detached: An accessory building which is not physically connected to the principal building. A minor attachment does not render an accessory building attached. Examples of minor attachments include, but are not limited to, decks 18" or less above grade, arbors and fences, and similar open unclosed structures such as breezeways over the pedestrian pathway between structures and no wider than 5-feet.

Accessory use: A use subordinate to the principal use of a building and serving a purpose customarily incidental to the use of the principal land use. Accessory uses in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Minor/Conditional Home Occupation and shall not include the boarding of animals or the keeping of fowl or farm animals.

Acre: 43,560 square feet.

Addition: Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load bearing wall. Any walled and roofed addition connected by a fire wall or is separated by independent perimeter load bearing walls is new construction.

Adjoining Lots: Lots in contact at some point or in line with each other, such as a row of lots used to calculate an average setback. Lots separated by a right-of-way, may still be considered adjoining if the lots would potentially meet in the middle of the right-of-way if extended.

Airport: The Marshfield Municipal Airport located in Wood County, Wisconsin.

Airport hazard: Any structure, object, or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing and taking off.

Alley: A thoroughfare less than 33 feet in width and for the purpose of providing access to the rear of buildings in a platted city block. Alley access does not constitute frontage for the purposes of minimum lot frontage.

Alteration: Any act or process that changes the exterior architectural appearance of one or more features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure or site.

Animal unit: A measure which represents a common denominator for the purpose of defining a Husbandry or Intensive Agricultural land use. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume and the amount of waste they produce. The following figure indicates the number of common farm species which comprise a single animal unit:

Figure 18-12(a): Animal Units

Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit
Horse (>2 yrs)	1	Calves (<1 yr)	5	Lambs	14
Colt (<2 yrs)	2	Brood Sow or Boar	2	Chickens – Egg Layers	30
Cattle (>2 yrs)	1	Hogs (up to 220 lbs)	3	Chickens – Fryers	60
Cattle (<2 yrs)	2	Sheep	10	Turkeys	50
Source: The Stockman's Handbook					

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 18-170.

Basement: That portion of a building between floor and ceiling having at least one-half of its height below grade.

Block: The property abutting the street between the two nearest intersecting or intercepting streets. A railroad right of way, the boundary line of un-subdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a "block."

Bufferyard: Any permitted combination of distance, vegetation, fencing, and berming which results in a reduction of visual and other interaction with an abutting property.

Buildable area: The areas of a lot remaining after the minimum yard requirements of this Chapter have been met within which a structure may be built. The buildable area for a principal structure is typically different than the buildable area for an accessory building, or for the buildable area for an area of pavement.

Building: A roofed structure intended for the shelter, housing, or enclosure of persons, animals, or chattels.

Building coverage: The percentage of a lot covered by principal and accessory buildings, including all structures with a roof.

Building height: The vertical distance from the highest grade-level at the front wall of the building to the highest point of the roof.

Building, principal: A building in which the main or principal use of the lot is conducted.

Building separation: The narrowest distance between two buildings (see minimum building separation).

Building services supervisor: The building services supervisor of the City of Marshfield.

Bulk: The combination of building height, size, and location on a lot.

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measurement 4 foot above natural grade.

Carport: An accessory building or portion of a building which is open on one or more sides and has a roof where motor vehicles are housed. Carports comply with Chapter 15 Buildings and Building Regulations of the City Code of Ordinance.

Certificate of appropriateness: A permit for restoration or change of a landmark, landmark site or historic preservation district site appearing on the Local Municipal Register of Historic Places which shall company a building or demolition permit.

Comprehensive plan: The long-range master plan for the desirable use and development of land in the City as official adopted and as amended from time to time by the Commission and certified to the Council.

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with separate interest in space. A condominium may include, in addition, separate interest in other portions of such property.

Construction: The act of adding an addition to an existing structure or the erection of a new principal or accessory building or structure on a lot or property.

Demolition: Any act or process that destroys in whole or in part a landmark or a structure within a historic district.

Density: A term used to describe the number of dwelling units per acre including rights-of-way, infrastructure, outlots, and other similar areas.

Dwelling: A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses, institutional residential, and commercial campgrounds.

Dwelling, attached: A dwelling joined to another dwelling at one or more sides by a shared wall or walls.

Dwelling, detached: A dwelling entirely surrounded by open space on the same lot.

Dwelling unit: A room or group of rooms providing or intended to provide permanent living quarters for not more than one family.

Easement: Written authorization, recorded in the Register of Deeds office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.

Extraterritorial area: The area outside of the City limits in which the City of Marshfield may exercise extraterritorial powers of planning, land division, and/or zoning review.

Façade: The view of any building or other structure from any one of 4 sides regardless of the configuration or orientation of a building.

Family: An individual or 2 or more persons, each related by blood, marriage, adoption or guardianship, living together as a single housekeeping unit; or a group of not more than 4 persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

Farm building: Any building, other than a dwelling unit, used for storing agricultural equipment or farm produce or products, having livestock or poultry, or processing dairy products.

Floor area: The sum of the gross horizontal areas of the floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, stairs, escalators, unenclosed and enclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or

loading space. Measurements shall be made from the outside of the exterior walls and to the center of interior walls dividing attached buildings.

Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Garage: An accessory building or portion of a building which is designed to contain a door(s) to accommodate vehicle entry and exit which, when closed, fully encloses the space within the structure where motor vehicles are housed. Garages comply with Chapter 15 Buildings and Building Regulations of the City Code of Ordinance.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area (see maximum gross density).

Gross floor area: The total floor area on all levels of a building, but does not include unfinished basements or penthouses when used for storage or mechanical purposes.

Gross site area (GSA): The total area of a single lot or the sum of abutting multiple lots.

Group development: See Section 18-114.

Historic district: An area composed of two or more improvement parcels that together comprise a district of special character, or special historic interest or value, as part of the development, heritage or cultural characteristics of the City, state or nation, and which has been designated as a historic district pursuant to the provisions of this chapter.

Historic site: Any parcel of land whose historic significance is due to a substantial value in tracing the history of aboriginal people, or upon which a historic event has occurred, and which has been designated as a historic site under this article or an improvement parcel or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic structure: Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

Impervious surface: Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures with roofs, as well as concrete, brick, stone, asphalt, gravel, and similar paved surfaces are considered impervious.

Impervious surface ratio: A measures of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

Improvement: Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

Intensity: A term used to describe the amount of gross floor area or landscaped area on a lot or site compared to the gross site area.

Landmark: Any identified improvement, which has a special character or special historic interest or cultural value as part of the heritage of the City.

Landmark site: Any parcel of historic significance having value in tracing the history of aboriginal man or upon which a historical event has occurred, and which has been designated as a landmark site pursuant to this Chapter. A landmark site includes the parcel upon which the landmark has been built.

Landscaped area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area includes the area located within planted and continually maintained landscaped planters.

Landscape surface area ratio (LSR): The percentage of the gross site area or lot area which is preserved as permanently protected landscaped area.

Large development: See Section 18-114.

Lot: A parcel of land having frontage on a public or private street occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter.

Lot area: The area contained within the property boundaries of a recorded lot.

Lot, corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angel of less than 135 degrees. The point of intersection of the street lines is the "corner." On a corner lot, the shorter street line shall be deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building. For existing development where the standard front or rear yards do not meet the required setbacks, alternative front yards, street side yards, or rear yards may considered provided they meet the required setbacks.

Lot depth: The mean horizontal distance between the front and rear lot lines.

Lot, double-frontage: Buildings on lots having frontage on two nonintersecting streets, or an interior lot having frontage on two streets. A rear yard shall be determined by the Zoning Administrator.

Lot frontage: Lot width measured at each street lot line.

Lot, interior: A lot other than a corner lot.

Lot line: A lot line is the property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right of way or a proposed public right of way, the line of such public right of way shall be the lot line for applying this Chapter.

Lot line, front: A lot line which abuts a public or private street right of way. On a corner lot, the front lot line is generally the narrower of the two lot lines abutting the public street (See also lot line, street side and lot corner). See Figure 18-12(b).

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be established at the time of subdivision or lot creation or shall be assigned by the Zoning Administrator. See Figure 18-12(b).

Lot line, side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot is called an interior side lot line. See Figure 18-12(b).

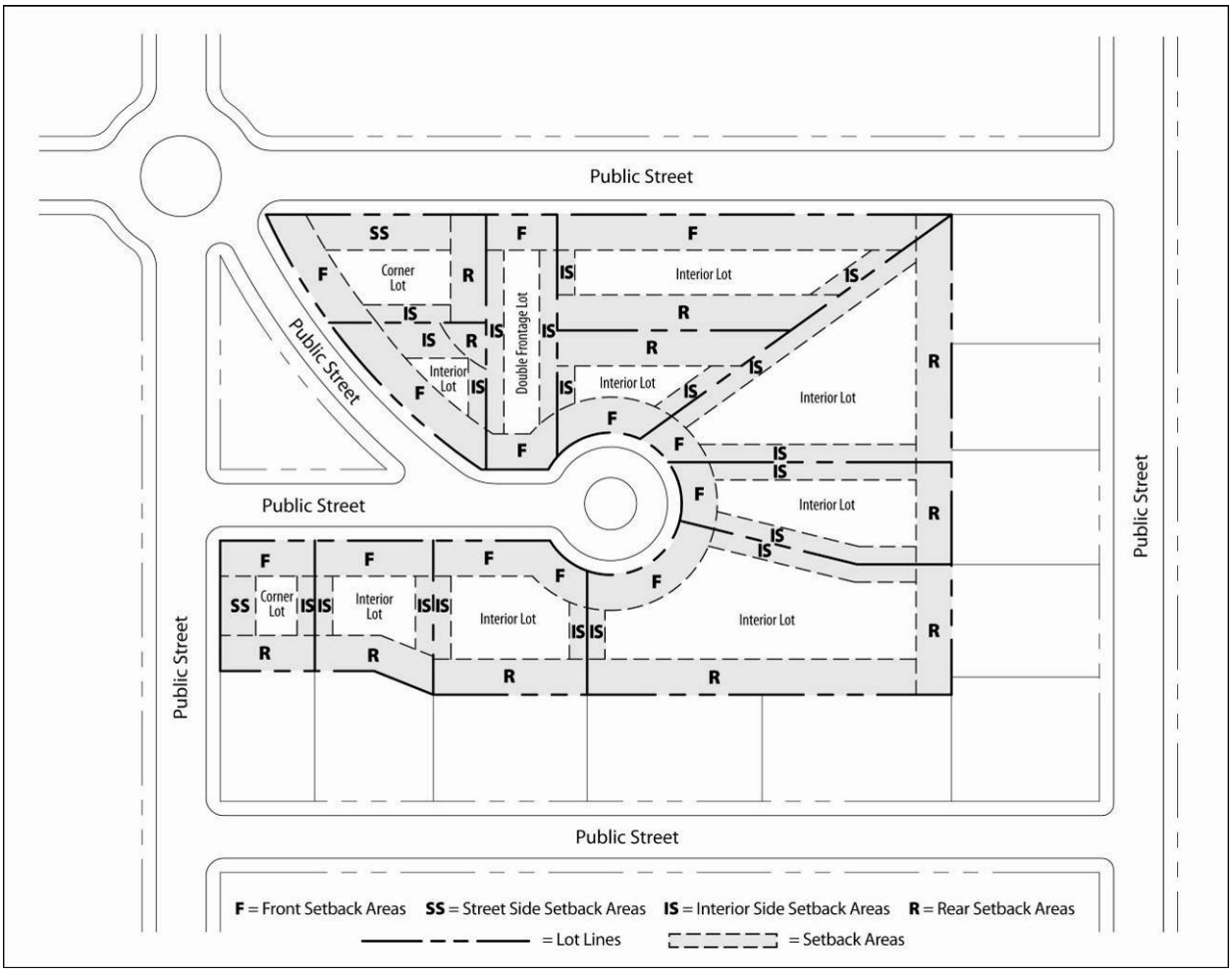
Lot line, street side: Any lot line which abuts a public or private street right of way which is not the front lot line. On a corner lot, the street side lot line is generally the longer of the two lot lines abutting the public street (see also lot line, front and lot, corner). See Figure 18-12(b).

Lot of record: A platted lot or lot described in a certified survey map or in a metes and bounds description which has been approved by the City or by Wood or Marathon County, and has been recorded in the office of the Register of Deeds.

Lot, through: A lot having frontage on two parallel or approximately parallel streets (see also lot, double-frontage). See Figure 18-12(b).

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot lines and at the rear of the required front yard (see minimum lot width).

Figure 18-12(b)



Major street: A highway, road, or street designated as an arterial on the National Functional Classification map of the July 10, 2007 Comprehensive Plan.

Manufactured home: A one- or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with §70.043(1) Wis. Stats. and subchapters III, IV, V, and XI of chapter SPS 321 of the Wis. Adm. Code, or a comparable foundation as approved by the local building services supervisor, is installed according to manufacturer's instructions, is properly connected to utilities, and when located outside the MH-8 district, is a minimum of 22 feet wide. For purpose of enforcement of this Chapter, manufacture homes shall be allowed as permitted and conditional uses where "single family" residences and "two family" residences are allowed as permitted and conditional uses.

Maximum **building size (MBS):** The largest permitted total gross floor area a building may contain (see building size).

Maximum gross density (MGD): The maximum number of dwelling units permitted per acre of Gross Site Area (see gross density).

Minimum building separation: The narrowest permitted building separation.

Minimum landscape surface ratio (LSR): The lowest permitted landscape surface ratio (see landscape surface ratio).

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district.

Minimum lot width: The smallest permissible lot width for the applicable zoning district measured at the required front yard setback.

Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure. See also "Yard, required."

Mixed use: Some combination of residential, commercial, industrial, office, institutional, and/or other land uses within a district or development.

Mobile home: A transportable, factory-built home designed to be used as a single family, year round residential dwelling and built prior to June 15, 1976.

Modular home: A home meeting the requirements of Chapter 15 Buildings and Building Regulations of the City of Marshfield Code of Ordinances and Wisconsin Statutes 101.71(6). For purpose of enforcement of this Chapter, modular homes shall be allowed as permitted and conditional uses where "single family" residences and "two family" residences are allowed as permitted and conditional uses.

Municipal Register of Historic Places. A list of designated historic structures, sites or district within the City of Marshfield which have met the criteria and provisions of Article IX.

Navigable water: All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters, which are navigable under the laws of Wisconsin. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Net developable area (NDA): The area of a site which may be disturbed by development activity. Net developable area is the result of subtracting undevelopable area from the gross site area.

New development: Any improvements to land made after January 1, 2013, the effective date of this Chapter, including new construction, new parking areas, and new additions.

Nonconforming building or structure: Any building or other structure which was lawfully existing under ordinances or regulations preceding this Chapter, but which would not conform to this Chapter if the building or structure were to be erected under the provisions of this Chapter.

Nonconforming development: A lawful development approved under ordinances or regulations preceding the effective date of this Chapter, but which would not conform to this Chapter if the development were to be created under the current provisions of this Chapter.

Nonconforming or substandard lot: A lot that lawfully existed prior to the effective date of this Chapter, but which does not meet the dimensional (i.e., minimum lot area, width, street frontage) of the district in which it is located.

Nonconforming site: A site in which a principal use has been established prior to the effective date of this Chapter and on which one or more site development standards such as minimum landscape surfaces, bufferyards, plantings, or minimum parking have not been met or cannot be met owing to the configuration of the site or to the presence of existing structures whether conforming or nonconforming.

Nonconforming use: An active and actual use of land, buildings, or structures, which was lawfully existing prior to the enactment of this Chapter, which has continued as the same use to the present, and which, does not comply with all the applicable regulations of this Chapter.

Nonresidential use: The individual uses listed under "Agricultural Land Uses," "Institutional Land Uses," "Commercial Land Uses," "Industrial Land Uses," "Storage Land Uses," "Transportation Land Uses," "Telecommunication Land Uses," "Extraction and Disposal Land Uses," and "Energy Production Land Uses" in Article III.

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Official map: The map adopted and designated by the City as being the "Official Map" pursuant to Section 62.23(6) Wisconsin Statutes which shows current and proposed municipal improvement sites and rights of way.

Official zoning map: The map adopted and designated by the City as being the "Official Zoning Map."

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an abutting property.

Other permanently protected green space: Permanently protected green space areas which are not constrained by one of the protected natural resources (i.e. wetlands, floodplains, steep slopes, and woodlands). Examples include portions of private lots, outlots, or parcels commonly held by a property owners association, which are deed restricted from site disruption.

Outlot: A parcel of land, other than a lot, so designated on a plat or certified survey map and does not meet the requirements of a lot, which is not intended for building or structure development in the proposed land division. Parking, driveway areas, and off-premise signage may be permitted provided all setbacks of the underlying district are met.

Overlay zoning district: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts.

Owner: The person, persons, or entity having the right of legal title to a lot or parcel of land.

Parapet: The extension of a false front or wall above the roofline.

Parcel: Any contiguous quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel and a condominium unit. Only one such designation by the owner shall be allowed under this Chapter.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building. The post of the porch is considered the wall for setback purposes.

Regional flood: A flood determined by the department of natural resources which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Residential use: The individual uses listed in Section 18-55.

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Setback: The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted intrusions per Section 18-73.

Site area: See gross site area.

Slope: An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3:1 slope is 3 feet horizontal and one foot vertical).

Start of construction: The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Steep slope: Steep slopes are areas which contain a gradient of 12 percent or greater.

Street: A right of way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated and includes all of the area between the roadway or right of way lines.

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excluding landscape features, fences, swimming pools, public utilities, and other minor site improvements.

Substandard lot: A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.

Temporary crane: Temporary equipment used for the construction or maintenance of a permanent structure or an individual property. Federal Aviation Administration (FAA) may require notification of temporary cranes prior to their use. See Airport Overlay District, Section 18-93, for temporary cranes that encroach into the Height Limitation Zoning Overlay (HLZO) districts.

Temporary use: A land use which is present on a property for a limited and specified period of time.

Throat length: The distance from the right-of-way line, at the entrance access, to the first on-site intersection or vehicular conflict point as measured along the curb or pavement edge.

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Use: The purpose for which land or a building or structure is arranged, designed, or intended, or for which it is, or may be, occupied or maintained.

Use, principal: The main use to which a parcel is devoted and the main purpose for which the premises exists.

Variance: A relaxation of the terms of this Chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Chapter would result in unnecessary and undue hardship.

Wetland: An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions. See also Section 23.32(1), Wis. Stats.

Woodland: Areas of trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the City of Marshfield and its environs.

Yard: An open space, other than a court, on a lot unoccupied and unobstructed from the group upward except as otherwise provided in this Chapter.

Yard, front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard, provided: The actual distance which principal building(s) are set back from the respective lot lines.

Yard, rear: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot. On corner lots, the rear yard shall be the yard opposite the front yard as chosen by the land owner.

Yard, required: The minimum distance required by this Chapter which the principal building(s) shall be set back from the respective lot lines. See also "Minimum setback."

Yard, side: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

Yard, street side: For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest principal building.

Zoning administrator: The person authorized and charged by the City with the administration of this Chapter.

(ORD 1240, 11/13/12; ORD 1252 7/9/13; ORD 1253 7/9/13; ORD 1281 7/8/14; ORD 1293 1/13/15; ORD 1295 3/10/15)

Sections 18-13 to 18-19: Reserved

ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS

Section 18-20: Purpose

The area located within the jurisdiction of this Chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the City of Marshfield Comprehensive Plan, and to achieve the other purposes of this Chapter.

(ORD 1240, 11/13/12)

Section 18-21: Standard Zoning Districts

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts.

Abbr.	Zoning District Name
RH-35	Rural Holding
SR-2	Single Family Residential – 2
SR-3	Single Family Residential – 3
SR-4	Single Family Residential – 4
SR-6	Single Family Residential – 6
TR-6	Two Family Residential – 6
MR-12	Multi-Family Residential – 12
MR-24	Multi-Family Residential – 24
MH-8	Mobile Home Residential – 8
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
UMU	Urban Mixed Use
DMU	Downtown Mixed Use
IP	Industrial Park
LI	Light Industrial
GI	General Industrial
RD	Research and Development
CD	Campus Development
PD	Planned Development

(ORD 1240, 11/13/12)

Section 18-22: Map of Standard Zoning Districts

Zoning districts established by this Chapter are shown on the Official Zoning Map of the City of Marshfield, which together with all explanatory materials thereon, is hereby made part of this Chapter.

(ORD 1240, 11/13/12)

Section 18-23: Interpretation of Zoning District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the City of Marshfield:

(1) Zoning district boundaries shown as following or approximately following the limits of any city, town, or county boundary shall be construed as following such limits.

(2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the City of Marshfield or Wood or Marathon County tax maps shall be construed as following such lines.

(4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(6) Zoning district boundaries shown as separated from, any of the features listed in Subsections (1) through (5), above, shall be construed to be at such distances there from as are shown on the Official Zoning Map.

(7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

(ORD 1240, 11/13/12)

Section 18-24: Description and Purpose of Zoning Districts

The following Sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. Definitions and regulations for land uses are provided in Article III. Section 18-54 includes a Table of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, by conditional use, as accessory uses, or as temporary uses.

(ORD 1240, 11/13/12)

Section 18-25: (RH-35) Rural Holding Zoning District

(1) Intent. This district is intended to permit agricultural land uses and very low density single family detached residential development at a density of no more than one dwelling unit for every 35 gross acres. This district acts as a "holding zone" to preserve productive agricultural lands until ready for urban development.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

   (a) Single Family (35 acre lot)

   (b) Husbandry

   (c) Intensive Agriculture

   (d) Cultivation

   (e) Community Garden

   (f) Small Scale Indoor Institutional

   (g) Outdoor Open Space Institutional

   (h) Passive Outdoor Recreation

(i) Active Outdoor Recreation

(j) Essential Services

(k) Small Scale Public Services and Utilities

(l) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)

(m) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Single Family (40,000 square foot lot)

(b) On-Site Agricultural Retail

(c) Agricultural Services

(d) Market Garden

(e) Large Scale Indoor Institutional

(f) Intensive Outdoor Recreation

(g) Large Scale Public Services and Utilities

(h) Artisan Studio

(i) Bed and Breakfast

(j) Campground

(k) Animal Boarding

(l) Production Greenhouse

(m) Indoor Food Production

(n) Communication Tower

(o) Indoor Storage and Wholesaling

(p) Airport

(q) Extraction

(r) Composting

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Minor Home Occupation

(b) In-Home Daycare (4-8 children)

(c) In-Family Suite

(d) Farm Residence

(e) Satellite Dish

(f) Personal Antenna and Tower

(g) Residential Accessory Building

(h) Nonresidential Accessory Building

(i) Landscape Feature

(j) Deck

(k) Recreational Facility

(l) Residential Kennel

(m) Residential Stable

(n) Outdoor Wood Boiler

(o) On-Site Parking

(p) Company Cafeteria

(q) Onsite Ancillary Use

(r) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(d) Migrant Employee Housing

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Temporary Farm Product Sales

(b) Temporary Outdoor Sales

(c) Temporary Outdoor Assembly

(d) Temporary Storage Container

(e) Temporary Construction Storage

(f) Temporary Contractor's Project Office

(g) Temporary On-Site Real Estate Sales Office

(h) Temporary Relocatable Building

(i) Garage or Estate Sale

(j) Farmer's Market

(7) Density, Intensity, and Bulk Regulations for the (RH-35) Rural Holding District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	40,000 square feet	40,000 square feet
Maximum Density	1 dwelling unit per 35 acres	N/A
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width	200 feet	200 feet
Minimum Front Setback	30 feet	30 feet
Minimum Street Side Setback	15 feet	15 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	30 feet	30 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	40 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Accessory Building Side Setback	10 feet	

Accessory Building Rear Setback	10 feet
Maximum Detached Accessory Building Height	Lesser of 25 feet or principal building height

(ORD 1240, 11/13/12)

Section 18-26: (SR-2) Single Family Residential–2 Zoning District

(1) Intent. This district is intended to preserve and enhance existing areas of very low density single family detached dwellings at an approximate density of 2 dwelling units per acre. Unlike the case for the (RH-35) Rural Holding District, the land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses, and are not oriented to a wide range of agricultural activities.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Community Garden
- (c) Small Scale Indoor Institutional
- (d) Outdoor Open Space Institutional
- (e) Passive Outdoor Recreation
- (f) Active Outdoor Recreation
- (g) Essential Services
- (h) Small Scale Public Services and Utilities
- (i) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)
- (j) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Large Scale Indoor Institutional
- (b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Satellite Dish
- (b) Personal Antenna and Tower
- (c) Minor Home Occupation
- (d) In-Home Daycare (4-8 children)
- (e) In-Family Suite
- (f) Residential Accessory Building
- (g) Nonresidential Accessory Building
- (h) Landscape Feature
- (i) Deck
- (j) Recreational Facility
- (k) Residential Kennel
- (l) On-Site Parking
- (m) Solar Energy System

(n) Onsite Ancillary Use

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Temporary Relocatable Building

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (SR-2) Single Family Residential – 2 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	14,000 square feet	20,000 square feet
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width	80 feet	100 feet
Minimum Front Setback	30 feet	30 feet
Minimum Street Side Setback	20 feet	30 feet
Minimum Side Setback	10 feet	12 feet
Minimum Rear Setback	25 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 25 feet or principal building height	

(ORD 1240, 11/13/12, ORD 1276, 4/22/14; ORD 1285 9/9/14, ORD No. 1311, 8/11/15; ORD 1323, 8/11/15)

Section 18-27: (SR-3) Single Family Residential–3 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for very low density single family detached dwellings at an approximate density of 3 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Single family

(b) Community Garden

(c) Small Scale Indoor Institutional

(d) Outdoor Open Space Institutional

(e) Passive Outdoor Recreation

(f) Active Outdoor Recreation

(g) Essential Services

(h) Small Scale Public Services and Utilities

(i) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)

(j) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Large Scale Indoor Institutional

(b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) In-Home Daycare (4-8 children)

(e) In-Family Suite

(f) Residential Accessory Building

(g) Nonresidential Accessory Building

(h) Landscape Feature

(i) Deck

(j) Recreational Facility

(k) Residential Kennel

(l) On-Site Parking

(m) Solar Energy System

(n) Onsite Ancillary Use

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container
(c) Temporary Construction Storage
(d) Temporary Contractor's Project Office
(e) Temporary On-Site Real Estate Sales Office
(f) Temporary Relocatable Building
(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (SR-3) Single Family Residential – 3 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	10,000 square feet	12,000 square feet
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width	60 feet	80 feet
Minimum Front Setback	25 feet	35 feet
Minimum Street Side Setback	15 feet	17 feet
Minimum Side Setback	7 ½ feet	15 feet
Minimum Rear Setback	25 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Garage Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12, ORD1276 4/22/14' ORD 1285 9/9/14; ORD No. 1311, 8/11/15; Ord No. 1323, 12/8)

Section 18-28: (SR-4) Single Family Residential–4 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 4 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Single Family
(b) Community Garden
(c) Small Scale Indoor Institutional
(d) Outdoor Open Space Institutional
(e) Passive Outdoor Recreation
(f) Active Outdoor Recreation

(g) Essential Services

(h) Small Scale Public Services and Utilities

(i) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)

(j) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Large Scale Indoor Institutional

(b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) In-Home Daycare (4-8 children)

(e) In-Family Suite

(f) Residential Accessory Building

(g) Nonresidential Accessory Building

(h) Landscape Feature

(i) Deck

(j) Recreational Facility

(k) Residential Kennel

(l) On-Site Parking

(m) Solar Energy System

(n) Onsite Ancillary Use

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Temporary Relocatable Building

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (SR-4) Single Family Residential – 4 District.

Residential Uses	Nonresidential Uses

	Residential Uses	Nonresidential Uses
Minimum Lot Area	8,700 square feet	12,000 square feet
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width	60 feet	80 feet
Minimum Front Setback	25 feet	35 feet
Minimum Street Side Setback	15 feet	17 feet
Minimum Side Setback	7 ½ feet	15 feet
Minimum Rear Setback	25 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12, ORD 1276 4/22/14, Ord No. 1311, 8/11/15; Ord No. 1323, 12/8/15)

Section 18-29: (SR-6) Single Family Residential–6 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 6 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Two Flat
- (c) Community Garden
- (d) Small Scale Indoor Institutional
- (e) Outdoor Open Space Institutional
- (f) Passive Outdoor Recreation
- (g) Active Outdoor Recreation
- (h) Essential Services
- (i) Small Scale Public Services and Utilities
- (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)
- (k) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Large Scale Indoor Institutional

(b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) In-Home Daycare (4-8 children)

(e) In-Family Suite

(f) Residential Accessory Building

(g) Nonresidential Accessory Building

(h) Landscape Feature

(i) Deck

(j) Recreational Facility

(k) Residential Kennel

(l) On-Site Parking

(m) Solar Energy System

(n) Onsite Ancillary Use

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Temporary Relocatable Building

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (SR-6) Single Family Residential – 6 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet	12,000 square feet
Maximum Building Coverage of Lot	40 percent	
Minimum Lot Width	40 feet	80 feet
Minimum Front Setback	25 feet	35 feet
Minimum Street Side Setback	15 feet	17 feet
Minimum Side Setback	7 ½ feet	15 feet
Minimum Rear Setback	25 feet	20 feet

	Residential Uses	Nonresidential Uses
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12, ORD 1276 4/22/14, Ord No. 1311, 8/11/15; Ord No. 1323, 12/8/15)

Section 18-30: (TR-6) Two Family Residential–6 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for single family detached and two family attached dwellings at an approximate density of 6 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Two Flat
- (c) Twin House
- (d) Duplex
- (e) Community Garden
- (f) Small Scale Indoor Institutional
- (g) Outdoor Open Space Institutional
- (h) Passive Outdoor Recreation
- (i) Active Outdoor Recreation
- (j) Essential Services
- (k) Small Scale Public Services and Utilities
- (l) Community Living Arrangement (1-15 residents) meeting the requirements of Section 18-57(10) and (11)
- (m) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Large Scale Indoor Institutional
- (b) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Satellite Dish

(b) Personal Antenna and Tower
(c) In-Home Daycare (4-8 children)
(d) In-Family Suite
(e) Residential Accessory Building
(f) Nonresidential Accessory Building
(g) Landscape Feature
(h) Deck
(i) Recreational Facility
(j) Residential Kennel
(k) On-Site Parking
(l) Solar Energy System
(m) Onsite Ancillary Use
(n) Minor Home Occupation

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System
(b) Solar Energy System
(c) Accessory Dwelling Unit
(d) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly
(b) Temporary Storage Container
(c) Temporary Construction Storage
(d) Temporary Contractor's Project Office
(e) Temporary On-Site Real Estate Sales Office
(f) Temporary Relocatable Building
(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (TR-6) Two Family Residential – 6 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet for existing single family, two flat, and duplex lots; 6,000 square feet per dwelling unit for a twin home; 10,800 square feet for newly platted single family and two flat lots; 12,000 square feet for newly platted duplex lots	12,000 square feet
Maximum Building Coverage of Lot	40 percent	
Minimum Lot Width	60 feet for newly platted single family, two flat, and twin home	80 feet

	Residential Uses	Nonresidential Uses
	(per dwelling unit) lots; 80 feet for newly platted duplex lots	
Minimum Front Setback	25 feet	35 feet
Minimum Street Side Setback	15 feet	17 feet
Minimum Side Setback	7 ½ feet	15 feet
Minimum Rear Setback	20 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12, Ord 1276 4/22/14; Ord No. 1323, 12/8/15)

Section 18-31: (MR-12) Multi-Family Residential–12 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for multi-family uses in small buildings at medium densities, up to 12 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Two Flat
- (c) Twin House
- (d) Duplex
- (e) Townhouse (3-4 units per building)
- (f) Multiplex (3-4 units per building)
- (g) Apartment (3-4 units per building)
- (h) Community Garden
- (i) Small Scale Indoor Institutional
- (j) Outdoor Open Space Institutional
- (k) Passive Outdoor Recreation
- (l) Active Outdoor Recreation
- (m) Essential Services

(n) Small Scale Public Services and Utilities

(o) Community Living Arrangement (1-15 residents) meeting the requirements of Section 18-57(10) and (11)

(p) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Townhouse (5-8 units per building)

(b) Multiplex (5-12 units per building)

(c) Apartment (5-12 units per building)

(d) Large Scale Indoor Institutional

(e) Institutional Residential

(f) Community Living Arrangement (16+ residents)

(g) Bed and Breakfast

(h) Boarding House

(i) Group Daycare Center

(j) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) In-Home Daycare (4-8 children)

(d) In-Family Suite

(e) Residential Accessory Building

(f) Nonresidential Accessory Building

(g) Landscape Feature

(h) Deck

(i) Recreational Facility

(j) Residential Kennel

(k) On-Site Parking

(l) Solar Energy System

(m) Onsite Ancillary Use

(n) Minor Home Occupation

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Accessory Dwelling Unit

(d) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly
(b) Temporary Storage Container
(c) Temporary Construction Storage
(d) Temporary Contractor's Project Office
(e) Temporary On-Site Real Estate Sales Office
(f) Temporary Relocatable Building
(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (MR-12) Multi-Family Residential – 12 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet for single family, two flats, and duplexes 3,600 square feet per dwelling unit for all other dwelling unit types	20,000 square feet
Maximum Building Coverage of Lot	50 percent	
Minimum Lot Width (per building, not unit)	80 feet	100 feet
Minimum Front Setback	20 feet	20 feet
Minimum Street Side Setback	15 feet	15 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	20 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	16 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Parking Requirements	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12; ORD 1245, 2/12/13, ORD 1276 4/22/14, Ord 1311, 8/11/15; Ord 1323, 12/8/15)

Section 18-32: (MR-24) Multi-Family Residential–24 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance areas for multi-family uses in small and mid-sized buildings at higher densities, up to approximately 24 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Single Family
(b) Two Flat
(c) Twin-house
(d) Duplex
(e) Townhouse (3-8 units per building)
(f) Multiplex (3-8 units per building)
(g) Apartment (3-8 units per building)
(h) Community Garden
(i) Small Scale Indoor Institutional
(j) Outdoor Open Space Institutional
(k) Institutional Residential
(l) Passive Outdoor Recreation
(m) Active Outdoor Recreation
(n) Essential Services
(o) Small Scale Public Services and Utilities
(p) Community Living Arrangement (1-15 residents) meeting the requirements of Section 18-57(10) and (11)
(q) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
(a) Multiplex (9+ units per building)
(b) Apartment (9+ units per building)
(c) Large Scale Indoor Institutional
(d) Community Living Arrangement (16+ residents)
(e) Bed and Breakfast
(f) Boarding House
(g) Group Daycare Center
(h) Transit Center
(i) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
(a) Satellite Dish
(b) Personal Antenna and Tower
(c) In-Home Daycare (4-8 children)
(d) In-Family Suite
(e) Residential Accessory Building
(f) Nonresidential Accessory Building
(g) Landscape Feature
(h) Deck
(i) Recreational Facility

(j) Residential Kennel

(k) On-Site Parking

(l) Solar Energy System

(m) Onsite Ancillary Use

(n) Minor Home Occupation

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Accessory Dwelling Unit

(d) Conditional Home Occupations

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (MR-24) Multi-Family Residential – 24 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet for single family, two flats, and duplexes 1,800 square feet per dwelling unit for all other dwelling unit types	12,000 square feet
Maximum Building Coverage of Lot	60 percent	
Minimum Lot Width (per building, not unit)	100 feet	100 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	15 feet	15 feet
Minimum Side Setback	15 feet	10 feet
Minimum Rear Setback	30 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	100 feet	100 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	16 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if	20 feet for doors parallel to alley;	

	Residential Uses	Nonresidential Uses
applicable)	8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	Lesser of 20 feet or principal building height	

(ORD 1240, 11/13/12; ORD 1245 3/12/13, ORD 1276 4/22/14; Ord 1311, 8/11/15; Ord 1323, 12/8/15)

Section 18-33: (MH-8) Mobile Home Residential–8 Zoning District

(1) Intent. This district is intended to create, preserve, and enhance subdivisions exclusively for mobile home developments at an approximate density of 8 dwelling units per acre.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single family
- (b) Mobile Home
- (c) Mobile Home Subdivision
- (d) Community Garden
- (e) Small Scale Indoor Institutional
- (f) Outdoor Open Space Institutional
- (g) Passive Outdoor Recreation
- (h) Active Outdoor Recreation
- (i) Essential Services
- (j) Small Scale Public Services and Utilities
- (k) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)
- (l) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Mobile Home Park
- (b) Large Scale Indoor Institutional
- (c) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Satellite Dish
- (b) Personal Antenna and Tower
- (c) In-Home Daycare (4-8 children)
- (d) In-Family Suite
- (e) Residential Accessory Building
- (f) Nonresidential Accessory Building
- (g) Landscape Feature

(h) Deck

(i) Recreational Facility

(j) Residential Kennel

(k) On-Site Parking

(l) Solar Energy System

(m) Onsite Ancillary Use

(n) Minor Home Occupation

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following uses.

(a) Small Wind Energy System

(b) Solar Energy System

(c) Accessory Dwelling Unit

(d) Conditional Home Occupation

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Assembly

(b) Temporary Storage Container

(c) Temporary Construction Storage

(d) Temporary Contractor's Project Office

(e) Temporary On-Site Real Estate Sales Office

(f) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (MH-8) Mobile Home Residential – 8 District. (A mobile home / manufactured home that is replacing an existing unit or previously defined mobile home / manufactured home space may either meet the regulations in the following table or the setbacks met by the existing unit or previously defined mobile home / manufactured home space, whichever are less restrictive.)

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet for mobile home subdivisions lots; 5 acres for mobile home parks	12,000 square feet
Maximum Building Coverage of Lot	40 percent	
Minimum Lot Width	60 feet for mobile home subdivision lots; 120 feet for mobile home parks	100 feet
Minimum Front Setback	20 feet	25 feet
Minimum Street Side Setback	12 feet	12 feet
Minimum Side Setback	7.5 feet for mobile home subdivision lots; 15 feet for mobile home parks	15 feet
Minimum Rear Setback	20 feet for mobile home subdivision lots;	20 feet

	Residential Uses	Nonresidential Uses
	10 feet for mobile home parks	
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Minimum Garage Door Setback to Private Drive (if applicable)	20 feet	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	20 feet	

(ORD 1240, 11/13/12; ORD 1252 7/9/13; Ord 1311, 8/11/15; Ord 1323, 12/8/15)

Section 18-34: (NMU) Neighborhood Mixed Use Zoning District

(1) Intent. This district is intended to permit residential development and small-scale commercial uses compatible with adjacent residential uses and neighborhood character.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single Family
- (b) Two Flat
- (c) Townhouse (3-4 units per building)
- (d) Multiplex (3-4 units per building)
- (e) Apartment (3-4 units per building)
- (f) Mixed Use Dwelling Unit(s)
- (g) Community Garden
- (h) Small Scale Indoor Institutional
- (i) Outdoor Open Space Institutional
- (j) Passive Outdoor Recreation
- (k) Active Outdoor Recreation
- (l) Essential Services
- (m) Small Scale Public Services and Utilities
- (n) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)
- (o) Indoor Commercial Entertainment
- (p) Office

(q) Personal or Professional Service
(r) Artisan Studio
(s) Indoor Sales or Service
(t) Indoor Maintenance Service
(u) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Townhouse (5-8 units per building)
(b) Multiplex (5-8 units per building)
(c) Apartment (5-8 units per building)
(d) Market Garden
(e) Large Scale Indoor Institutional
(f) Institutional Residential
(g) Intensive Outdoor Recreation
(h) Community Living Arrangement (9-16+ residents)
(i) Outdoor Display
(j) Outdoor Commercial Entertainment
(k) In-Vehicle Sales or Service
(l) Bed and Breakfast
(m) Commercial Indoor Lodging
(n) Boarding House
(o) Tourist House
(p) Group Daycare Center
(q) Transit Center
(r) Off-Site Parking
(s) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish
(b) Personal Antenna and Tower
(c) Minor Home Occupation
(d) Conditional Home Occupation
(e) In-Home Daycare (4-8 children)
(f) In-Family Suite
(g) Residential Accessory Building
(h) Nonresidential Accessory Building
(i) Landscape Feature
(j) Deck
(k) Recreational Facility
(l) Residential Kennel

(m) On-Site Parking

(n) Company Cafeteria

(o) Onsite Ancillary Use

(p) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(c) Accessory Dwelling Unit

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (NMU) Neighborhood Mixed Use District.

	Residential Uses	Nonresidential Uses and Mixed Uses
Minimum Lot Area	6,000 square feet for single family, two flats, and duplexes 1,800 square feet per dwelling unit for other residential types	6,000 square feet
Maximum Building Size	N/A	5,000 square feet for 1st floor 10,000 square feet total
Maximum Building Coverage of Lot	30 percent	
Minimum Lot Width (per building, not unit)	40 feet	40 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	15 feet	15 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	20 feet	20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	

	Residential Uses	Nonresidential Uses and Mixed Uses
lots that are 50 feet wide or less)		
Minimum Parking Required	See Article III	
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less	

(8) Architectural and Operational Requirements.

(a) Residential architectural requirements include: residential roof materials, such as shingles; minimum 15 percent window covering; and acceptable exterior materials, including wood, cement board, vinyl siding, brick, decorative block, stone, and other materials approved by the Plan Commission.

(b) Operating Hours: No earlier than 7:00a.m. or later than 9:00p.m., unless otherwise extended by a granting of a conditional use permit.

(ORD 1240, 11/13/12)

Section 18-35: (CMU) Community Mixed Use Zoning District

(1) Intent. This district is intended to permit a wide range of large and small scale office, retail, service, and lodging uses that are compatible with the desired community character.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Mixed Use Dwelling Unit(s)

(b) Community Garden

(c) Small Scale Indoor Institutional

(d) Large Scale Indoor Institutional

(e) Outdoor Open Space Institutional

(f) Passive Outdoor Recreation

(g) Active Outdoor Recreation

(h) Essential Services

(i) Small Scale Public Services and Utilities

(j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 18-57(10)

(k) Outdoor Display

(l) Indoor Commercial Entertainment

(m) In-Vehicle Sales or Service

(n) Bed and Breakfast

(o) Commercial Indoor Lodging

(p) Vehicle Sales

(q) Vehicle Service

(r) Vehicle Repair

(s) Office

(t) Personal or Professional Service

(u) Artisan Studio

(v) Indoor Sales or Service

(w) Indoor Maintenance Service

(x) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Townhouse (3-8 units per building)

(b) Multiplex (3-8 units per building)

(c) Apartment (3-24+ units per building)

(d) Market Garden

(e) Intensive Outdoor Recreation

(f) Institutional Residential

(g) Community Living Arrangement (9-16+ residents)

(h) Outdoor Commercial Entertainment

(i) Boarding House

(j) Tourist House

(k) Group Daycare Center

(l) Light Industrial

(m) Transit Center

(n) Off-Site Parking

(o) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) Conditional Home Occupation

(e) Residential Accessory Building

(f) Nonresidential Accessory Building

(g) Landscape Feature

(h) Deck

(i) Recreational Facility

(j) Residential Kennel

(k) On-Site Parking

(l) Company Cafeteria

(m) Onsite Ancillary Use

(n) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (CMU) Community Mixed Use District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	See MR-12 district requirements.	12,000 square feet
Maximum Building Coverage of Lot		40 percent
Minimum Lot Width		80 feet
Minimum Front Setback		20 feet
Minimum Street Side Setback		15 feet
Minimum Side Setback		10 feet
Minimum Rear Setback		20 feet
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	See MR-12 district requirements.	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)		30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)		3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required		See Article III
Minimum Garage Door Setback to Alley (if applicable)		20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint
Accessory Building Side Setback		3 feet
Accessory Building Rear Setback		5 feet
Maximum Detached Accessory Building Height		25 feet or the height of the principal structure, whichever is less

(ORD 1240, 11/13/12)

Section 18-36: (UMU) Urban Mixed Use Zoning District

(1) Intent. This district is intended to permit areas, generally on the fringe of Downtown, that are mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail and community service opportunities, while allowing some residential uses. Uses should be compatible not only with other uses within the district, but land uses in abutting zoning districts as well.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Single family
- (b) Two Flat
- (c) Mixed Use Dwelling Unit(s)
- (d) Community Garden
- (e) Small Scale Indoor Institutional
- (f) Outdoor Open Space Institutional
- (g) Passive Outdoor Recreation
- (h) Active Outdoor Recreation
- (i) Essential Services
- (j) Small Scale Public Services and Utilities
- (k) Community Living Arrangement (1-8 residents)
- (l) Outdoor Display
- (m) Indoor Commercial Entertainment
- (n) Office
- (o) Personal or Professional Service
- (p) Artisan Studio
- (q) Indoor Sales or Service
- (r) Indoor Maintenance Service
- (s) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Twin-house
- (b) Duplex
- (c) Townhouse (3-8 units per building)
- (d) Multiplex (3-8 units per building)
- (e) Apartment (3-24+ units per building)
- (f) Market Garden
- (g) Large Scale Indoor Institutional
- (h) Intensive Outdoor Recreation
- (i) Institutional Residential
- (j) Community Living Arrangement (9-16+ residents)
- (k) Outdoor Commercial Entertainment
- (l) In-Vehicle Sales or Service

(m) Bed and Breakfast

(n) Commercial Indoor Lodging

(o) Boarding House

(p) Tourist House

(q) Group Daycare Center

(r) Indoor Sales or Service

(s) Vehicle Sales

(t) Vehicle Service

(u) Vehicle Repair

(v) Communication Tower

(w) Transit Center

(x) Off-Site Parking

(y) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Minor Home Occupation

(d) Conditional Home Occupation

(e) In-Home Daycare (4-8 children)

(f) In-Family Suite

(g) Residential Accessory Building

(h) Nonresidential Accessory Building

(i) Landscape Feature

(j) Deck

(k) Recreational Facility

(l) Residential Kennel

(m) On-Site Parking

(n) Company Cafeteria

(o) Onsite Ancillary Use

(p) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.

(a) Accessory Dwelling Unit

(b) Small Wind Energy System

(c) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (UMU) Urban Mixed Use District.

	All Uses
Minimum Lot Area	4,500 square feet
Maximum Building Coverage of Lot	60 percent
Minimum Lot Width	40 feet
Minimum Front Setback	10 feet
Minimum Street Side Setback	10 feet
Minimum Side Setback	0 feet
Minimum Rear Setback	20 feet
Major Street Setback	0 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	10 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 0 feet from right of way
Minimum Parking Required	See Article III
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less

(ORD 1240, 11/13/12)

Section 18-37: (DMU) Downtown Mixed Use Zoning District

(1) Intent. This district is intended to permit both large and small scale "downtown" commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. The district is also intended to retain the existing "Main Street" characteristics of the core blocks on Central Avenue.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Mixed Use Dwelling Unit(s)

(b) Community Garden

(c) Small Scale Indoor Institutional

(d) Large Scale Indoor Institutional

(e) Outdoor Open Space Institutional
(f) Passive Outdoor Recreation
(g) Active Outdoor Recreation
(h) Essential Services
(i) Small Scale Public Services and Utilities
(j) Outdoor Display
(k) Indoor Commercial Entertainment
(l) Office
(m) Personal or Professional Service
(n) Artisan Studio
(o) Indoor Sales or Service
(p) Indoor Maintenance Service
(q) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Townhouse (3-8 units per building)
(b) Multiplex (3-8 units per building)
(c) Apartment (3-24+ units per building)
(d) Market Garden
(e) Intensive Outdoor Recreation
(f) Institutional Residential
(g) Community Living Arrangement (1-16+ Residents)
(h) Outdoor Commercial Entertainment
(i) In-Vehicle Sales or Service
(j) Bed and Breakfast
(k) Commercial Indoor Lodging
(l) Boarding House
(m) Tourist House
(n) Group Daycare Center
(o) Indoor Sales or Service
(p) Light Industrial
(q) Communication Tower
(r) Transit Center
(s) Off-Site Parking

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish
(b) Personal Antenna and Tower
(c) Minor Home Occupation
(d) Conditional Home Occupation

(e) Residential Accessory Building

(f) Nonresidential Accessory Building

(g) Recreational Facility

(h) Landscape Feature

(i) Deck

(j) On-Site Parking

(k) Company Cafeteria

(l) Onsite Ancillary Use

(m) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (DMU) Downtown Mixed Use District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area (per building, not unit)	3,000 square feet	3,000 square feet
Maximum Building Coverage of Lot	80 percent	80 percent
Minimum Lot Width (per building, not unit)	20 feet	20 feet
Maximum Front and Street Side Setback	0 feet*	0 feet*
Maximum Side Setback	0 feet*	0 feet*
Minimum Rear Setback	20 feet	20 feet
Major Street Setback	0 feet	
Maximum Principal Building Height	100 feet	100 feet
Minimum Principal Building Height	Two stories or 20 feet*	
Minimum Principal Building Separation (multi-structure developments on shared lots)	0 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	0 feet	
Minimum Parking Required	See Article III	

	Residential Uses	Nonresidential Uses
Minimum Garage Door Setback to Alley (if applicable)	20 feet for doors parallel to alley; 8 feet for any other garage; Existing garages may be rebuilt on current footprint	
Accessory Building Side Setback	3 feet	
Accessory Building Rear Setback	5 feet	
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less	

* Exceptions allowed through conditional use permit

(ORD 1240, 11/13/12)

Section 18-38: (IP) Industrial Park Zoning District

(1) Intent. This district is intended to accommodate high-quality industrial, office, and related land uses at an intensity that is compatible with the overall community character of the City.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Small Scale Indoor Institutional
- (b) Cultivation
- (c) Community Garden
- (d) Outdoor Open Space Institutional
- (e) Passive Outdoor Recreation
- (f) Essential Services
- (g) Small Scale Public Services and Utilities
- (h) Office
- (i) Personal or Professional Service
- (j) Artisan Studio
- (k) Light Industrial
- (l) Research, Development, and Related Manufacturing
- (m) Indoor Maintenance Service
- (n) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Large Scale Indoor Institutional
- (b) Group Daycare Center
- (c) Animal Boarding
- (d) Active Outdoor Recreation
- (e) Indoor Storage and Wholesaling
- (f) Transit Center
- (g) Distribution Center
- (h) Off-Site Parking
- (i) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Nonresidential Accessory Building

(d) Recreational Facility

(e) Landscape Feature

(f) Deck

(g) Outdoor Wood Boiler

(h) On-Site Parking

(i) Company Cafeteria

(j) Onsite Ancillary Use

(k) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (IP) Industrial Park District.

	Nonresidential Uses
Minimum Lot Area	20,000 square feet
Maximum Building Coverage of Lot	50 percent
Minimum Lot Width	100 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet (50-foot minimum side yard abutting existing dwellings or residential district)
Minimum Rear Setback	25 feet (50-foot minimum rear yard abutting existing dwellings or residential district)
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation	30 feet

	Nonresidential Uses
(multi-structure developments on shared lots)	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less
Minimum Parking Required	See Article III

(ORD 1240, 11/13/12)

Section 18-39: (LI) Light Industrial Zoning District

(1) Intent. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for abutting properties.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Small Scale Indoor Institutional
- (b) Cultivation
- (c) Community Garden
- (d) Outdoor Open Space Institutional
- (e) Passive Outdoor Recreation
- (f) Essential Services
- (g) Small Scale Public Services and Utilities
- (h) Office
- (i) Personal or Professional Service
- (j) Artisan Studio
- (k) Indoor Sales or Service
- (l) Indoor Maintenance Service
- (m) Light Industrial
- (n) Research, Development, and Related Manufacturing
- (o) Indoor Storage and Wholesaling
- (p) Communication Antenna
- (q) Communication Tower

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Agricultural Services
- (b) Large Scale Indoor Institutional

(c) Active Outdoor Recreation

(d) Large Scale Public Services and Utilities

(e) Outdoor Maintenance Service

(f) Animal Boarding

(g) Production Greenhouse

(h) Indoor Food Production

(i) Outdoor Storage and Wholesaling

(j) Distribution Center

(k) Freight Terminal

(l) Personal Storage Facility

(m) Off-Site Parking

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish

(b) Personal Antenna and Tower

(c) Nonresidential Accessory Building

(d) Recreational Facility

(e) Landscape Feature

(f) Deck

(g) Outdoor Wood Boiler

(h) On-Site Parking

(i) Company Cafeteria

(j) Onsite Ancillary Use

(k) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (LI) Light Industrial District.

	Nonresidential Uses
Minimum Lot Area	30,000 square feet

	Nonresidential Uses
Maximum Building Coverage of Lot	60 percent
Minimum Lot Width	150 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet (50-foot minimum side yard abutting existing dwellings or residential district)
Minimum Rear Setback	25 feet (50-foot minimum rear yard abutting existing dwellings or residential district)
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less
Minimum Parking Required	See Article III

(ORD 1240, 11/13/12)

Section 18-40: (GI) General Industrial Zoning District

(1) Intent. This district is intended to provide space for manufacturing and industrial operations which are potentially incompatible with other uses and which should be distant from residential areas.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Cultivation
- (b) Intensive Agriculture
- (c) Community Garden
- (d) Small Scale Indoor Institutional
- (e) Outdoor Open Space Institutional
- (f) Passive Outdoor Recreation
- (g) Essential Services
- (h) Small Scale Public Services and Utilities
- (i) Office
- (j) Personal or Professional Service
- (k) Artisan Studio
- (l) Indoor Maintenance Service
- (m) Light Industrial

(n) Heavy Industrial
(o) Research, Development, and Related Manufacturing
(p) Production Greenhouse
(q) Indoor Food Production
(r) Communication Antenna
(s) Communication Tower
(t) Outdoor Storage and Wholesaling
(u) Indoor Storage and Wholesaling
(v) Distribution Center
(w) Freight Terminal

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Agricultural Services
(b) Large Scale Indoor Institutional
(c) Correctional Institutional
(d) Active Outdoor Recreation
(e) Indoor Sales and Service
(f) Outdoor Display
(g) Campground
(h) Animal Boarding
(i) Outdoor Maintenance Service
(j) Vehicle Service
(k) Vehicle Repair
(l) Sexually-Oriented Land Use
(m) Personal Storage Facility
(n) Off-Site Parking
(o) Extraction
(p) Composting
(q) Recycling and Waste Disposal
(r) Salvage or Junkyard
(s) Sand and Mineral Processing

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

(a) Satellite Dish
(b) Personal Antenna and Tower
(c) Nonresidential Accessory Building
(d) Recreational Facility
(e) Landscape Feature
(f) Deck
(g) Outdoor Wood Boiler

(h) On-Site Parking

(i) Company Cafeteria

(j) Onsite Ancillary Use

(k) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (GI) General Industrial District.

	Nonresidential Uses
Minimum Lot Area	40,000 square feet
Maximum Building Coverage of Lot	70 percent
Minimum Lot Width	200 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	10 feet (50-foot minimum side yard abutting existing dwellings or residential district)
Minimum Rear Setback	10 feet (50-foot minimum rear yard abutting existing dwellings or residential district)
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)
Maximum Principal Building Height	100 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less
Minimum Parking Required	See Article III

(ORD 1240, 11/13/12)

Section 18-41: (RD) Research and Development Zoning District

(1) Intent. This district is intended to provide for research and development activities, administrative offices, support uses typically found in an office park setting, and very limited industrial uses.

(2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Community Garden
- (b) Small Scale Indoor Institutional
- (c) Outdoor Open Space Institutional
- (d) Passive Outdoor Recreation
- (e) Active Outdoor Recreation
- (f) Essential Services
- (g) Small Scale Public Services and Utilities
- (h) Office
- (i) Personal or Professional Service
- (j) Artisan Studio
- (k) Indoor Maintenance Service
- (l) Research, Development, and Related Manufacturing
- (m) Communication Antenna

(3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Market Garden
- (b) Large Scale Indoor Institutional
- (c) Intensive Outdoor Recreation
- (d) Institutional Residential
- (e) Community Living Arrangement (1-16+ Residents)
- (f) Group Daycare Center
- (g) Light Industrial
- (h) Transit Center
- (i) Off-Site Parking
- (j) Communication Tower

(4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

- (a) Satellite Dish
- (b) Personal Antenna and Tower
- (c) Nonresidential Accessory Building
- (d) Recreational Facility
- (e) Landscape Feature
- (f) Deck
- (g) On-Site Parking
- (h) Company Cafeteria

(i) Onsite Ancillary Use

(j) Solar Energy System

(5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.

(a) Small Wind Energy System

(b) Solar Energy System

(6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)

(a) Temporary Outdoor Sales

(b) Temporary Outdoor Assembly

(c) Temporary Storage Container

(d) Temporary Construction Storage

(e) Temporary Contractor's Project Office

(f) Temporary On-Site Real Estate Sales Office

(g) Farmer's Market

(h) Garage or Estate Sale

(7) Density, Intensity, and Bulk Regulations for the (RD) Research and Development District.

	Nonresidential Uses
Minimum Lot Area	20,000 square feet
Maximum Building Coverage of Lot	30 percent
Minimum Lot Width	100 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet (50-foot minimum side yard abutting existing dwellings or residential district)
Minimum Rear Setback	25 feet (50-foot minimum rear yard abutting existing dwellings or residential district)
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	5 feet
Maximum Detached Accessory Building Height	25 feet or the height of the principal structure, whichever is less
Minimum Parking Required	See Article III

(ORD 1240, 11/13/12)

Section 18-42: (CD) Campus Development Zoning District

(1) Intent. This district is intended to recognize the presence and importance of large-scale governmental, office, educational, medical, and research and development facilities in the City; to facilitate their development; and to coordinate their futures with those of their neighbors and the community as a whole. This district is also intended to:

(a) Permit appropriate campus growth, while minimizing adverse impacts associated with modifications, infill development, and/or expansion;

(b) Recognize the sharing of parking, green space, and other efficiencies that come with integrated campus planning and development;

(c) Balance the ability of a campus to evolve and the public benefits associated with such development, with the need to protect the livability and vitality of nearby properties and neighborhoods; and,

(d) Encourage the preparation of campus master plans that establish full conforming zoning status, facilitate predictable campus development, and enable nearby property owners, residents and the community to understand short-term development proposals, impacts and mitigation strategies within the context of long-term development possibilities.

(2) See Section 18-166 for the process to establish Campus Development Zoning.

(3) See Section 18-166(5) for the Campus Master Plan requirements.

(4) Interim Campus Development Zoning. The following shall apply to properties zoned Campus Development prior to the adoption of a Campus Master Plan.

(a) All existing land uses, structures, paved areas, and lots are legal conforming, consistent with Article V.

(b) All future land uses, structures, and paved areas shall be regulated as conditional uses per the requirements of Section 18-161.

(c) All future development is exempt from the requirements of Section 18-114 Group and Large Developments.

(5) Land Use Regulations

(a) All land uses and development (including buildings, structures, paved areas, fixtures, landscaping and signage) existing as of the date of CMP approval which are depicted on the approved Campus Existing Conditions Graphic and/or listed on the approved Campus Existing Development Inventory, shall be considered as fully legal, conforming land uses and development, unless explicitly identified by the City within the CMP approval documentation as having a legal nonconforming or nonconforming status.

(b) Proposed land uses and development which are located within the Campus Development zoning district, and which are consistent with the approved Campus Plan Graphic and/Campus Plan Development Inventory, shall be considered, reviewed and approved prior to the time of their development, per Section 18-166.

(c) Specific land uses and development within the Campus Development zoning district which are inconsistent with an approved CMP shall be reviewed as conditional uses. See Section 18-166 for expired CMPs.

(d) A Planned Development may be proposed, considered and approved within any portion of the area of an approved CMP, and if approved, shall supersede explicitly approved provisions of the CMP and the Zoning Ordinance, for the area included within the boundaries of the Planned Development.

(e) Land Uses which are proposed, but not listed in Article III, shall be subject to the rules of interpretation and appeals governing the Zoning Ordinance.

(6) Land Uses in an Approved Campus Master Plan. Any use listed in Article III of this chapter may be incorporated into a Campus Master Plan as either permitted by right or as a Conditional Use, provided they are listed in the Campus Master Plan and approved by the Common Council.

(7) Height, Bulk and Intensity Requirements for the (CD) Campus Development District:

	Central Area	Peripheral Area
Minimum Lot Area	Per CMP or Conditional Use Criteria	
Maximum Building Coverage of Lot	Per CMP or Conditional Use Criteria	
Minimum Lot Width	Per CMP or Conditional Use Criteria	
Minimum Setbacks	Per CMP or Conditional Use Criteria	
Major Street Setback	Minimum of 50 feet or mean of adjoining lots (see Section 18-12 and 18-72)	
Maximum Principal Building Height	Per CMP or Conditional Use Criteria	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	10 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances and lots that are 50 feet wide or less)	Per CMP or Conditional Use Criteria	
Minimum Parking Required	Per CMP or Conditional Use Criteria	
Minimum Garage Door Setback to Alley (if applicable)	Per CMP or Conditional Use Criteria	
Accessory Building Side Setback	Per CMP or Conditional Use Criteria	
Accessory Building Rear Setback	Per CMP or Conditional Use Criteria	
Maximum Detached Accessory Building Height	Per CMP or Conditional Use Criteria	

(ORD 1240, 11/13/12)

Section 18-43: (PD) Planned Development

(1) Purpose. The purpose of this district is to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district and the other requirements of this Chapter. In exchange for such flexibility, planned developments shall provide a much higher level of site design, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments.

(2) Intent. Planned developments are intended to encourage, promote, and provide improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the City of Marshfield Comprehensive Plan. To this end, planned developments allow diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage economic development and more rational developments with regard to public services and to encourage and facilitate preservation of open space and natural resources. Planned developments are not intended to circumvent the intent of other zoning districts or this Chapter. The City also intends to use the Planned Development district to provide a mechanism for review of traditional neighborhood developments per State Statute 66.1027.

(3) Applicability.

(a) Ownership. A tract of land proposed to be developed as a PD shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements, and other provisions with the county.

(b) Size. There is no minimum or maximum size for a PD.

(c) Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as PDs if, as a result of a condominium division of the land, the lot requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting lot size would be less than otherwise required.

(4) See Section 18-167 for the process to establish Planned Development Zoning.

(5) See Sections 18-167(3)(c) and 18-167(3)(d) for the General Development Plan and Specific Implementation Plan requirements.

(6) Planned Developments are exempt from the requirements of Section 18-114 Group and Large Developments.

(ORD 1240, 11/13/12)

Sections 18-44 to 18-49: Reserved

ARTICLE III: LAND USE REGULATIONS

Section 18-50: Purpose

The purpose of this Article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. Certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional use or temporary use permit.

(ORD 1240, 11/13/12)

Section 18-51: Regulation of Allowable Uses

The allowable land uses for each zoning district are established in Article II of this Chapter. Detailed descriptions and regulations for uses are found in Sections 18-55 through 18-66. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter or unless an appropriate variance has been granted pursuant to Section 18-165. For land uses not specifically listed, the Zoning Administrator shall make an interpretation to determine if an amendment to this Chapter is necessary.

(1) Principal Land Uses Permitted by Right. Principal land uses listed as permitted by right (designated by the letter "P" in Section 18-54) are permitted per the general land use requirements of this Article; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable City, county, state, and federal regulations. In some instances, permitted uses may be considered accessory uses as determined by the Zoning Administrator.

(2) Principal Land Uses Permitted as Conditional Uses. Principal land uses allowed only with a conditional use permit (designated by the letter "C" in Section 18-54) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in Section 18-161. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. Except for uses approved under a general development plan and specific implementation plan in a planned development (see Section 18-167), all uses requiring a conditional use permit shall comply with the procedural requirements of Section 18-161.

(3) Accessory Land Uses. Accessory land uses are allowed subject to all the requirements and exemptions applicable to principal land uses permitted by right as listed in Subsection (1), above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exemptions applicable to principal land uses requiring a conditional use permit as listed in Subsection (2), above. Accessory land uses shall also comply with the regulations listed in Section 18-65. No accessory use shall be established on any lot prior to the establishment of an allowable principal use, unless otherwise stated in this Chapter. City parks are exempt from this requirement. With the exception of an in-home suite or Accessory Dwelling Units, in no instance shall an accessory building, cellar, basement, tent, or recreational trailer to be used as a residence

(4) Temporary Land Uses. Temporary land uses permitted by right (designated by the letter "P" in the Table of Land Uses in Section 18-54) are permitted on a temporary basis subject to permitting requirements of Section 18-162. Temporary land uses permitted only with a conditional use permit (designated by the letter "C" in the Table of Land Uses) may be permitted subject to temporary use and conditional use permitting requirements of Sections 18-162 and 18-161.

(ORD 1240, 11/13/12; ORD 1281 7/8/2014)

Section 18-52: Regulations Applicable to All Land Uses

All uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter.

(1) Land Use Regulations and Requirements. All uses of land shall comply with all the regulations and requirements of this Chapter. Such regulations directly relate to the protection of the health, safety, and general welfare of the residents of the City of Marshfield.

(2) Density, Intensity, and Bulk Regulations and Requirements. All development and use of land shall comply with all the applicable requirements of Articles II and IV of this Chapter.

(3) Overlay Zoning District Requirements. All land use and/or development of land shall comply with all the regulations and requirements any applicable Overlay Zoning District (see Article VI).

(4) Performance Standards. All development of land shall comply with all applicable requirements established in Article VII.

(5) Landscape Regulations. All new development of land shall comply with all the regulations and requirements of Article VIII pertaining to the provision of landscaping and bufferyards. Such requirements address issues such as minimum required landscaping of developed land and minimum required provision of bufferyards between abutting zoning districts; which are directly related to the effective bulk of a structure.

(6) Signage Regulations. Except within the Campus Development District, all land use and/or development of land shall comply with all requirements of Chapter 24 Sign Code, pertaining to the type and amount of signage permitted on property. Such requirements address issues such as the maximum area of permitted signage and the number and types of permitted signage.

(7) Number of Buildings per Lot. Only one principal building shall be permitted on any one lot, with the following exceptions:

   (a) Development in the Campus Development District (per Section 18-41 and 18-166).

   (b) Group and Large Developments (per Section 18-114).

   (c) Planned Developments (per Sections 18-42 and 18-167).

   (d) Industrial Land Uses (see Section 18-59).

   (e) Storage Land Uses (see Section 18-60).

   (f) Temporary buildings.

   (g) Mobile home parks.

   (h) Buildings in public parks.

(8) Accessory Uses and Structures. Accessory uses and structures may be allowed where they comply with the requirements of Section 18-65.

(9) Group and Large Development Requirements. A Group or Large Development may include any of the land uses in this Chapter. All uses and/or development of land within a Group or Large Development shall comply with all requirements of Section 18-114.

(10) Planned Development Requirements. All uses and/or development of land within a planned development shall comply with all requirements of Sections 18-42 and 18-167.

(11) Nonconforming Lots, Uses, Structures, and Site Requirements. Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article V. Land uses located on substandard lots or on nonconforming lots or in

nonconforming structures shall comply with all the regulations and requirements of Article V. Substandard lots are buildable, provided the structures meet all other requirements of this Chapter.

(12) Outlots. Outlots approved prior to January 1, 2013, the effective date of this Chapter, that do not have access to a public right of way are not intended for development.

(13) Site Plan Review Required. All uses are subject to site plan review and approval in accordance with Section 18-164.

(14) Filling. Filling shall be in accordance with the following:

(a) Filling of low areas on lots or sites in the City of Marshfield involving amounts of fill in excess of 100 cubic yards shall require a land use permit issued by the administrator.

(b) Applicants for approval to fill must submit plans indicating the amount of fill proposed, type of fill, and the location of the fill.

(c) Upon inspection of the site, the administrator may request the City engineer to review the proposed fill and submit a written comment on the proposal.

(d) If the City engineer determines that the proposed fill would cause flooding or drainage problems on abutting properties, the administrator may reject, condition, or impose limitations on the proposed filling.

(15) Procedural Regulations and Requirements. All land use and/or development of land shall comply with all requirements of Article X pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements.

(ORD 1240, 11/13/12)

Section 18-53: Detailed Land Use Descriptions and Regulations

The land use categories employed by this Chapter are defined in Section 18-55 through Section 18-66. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 18-169 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

(ORD 1240, 11/13/12)

Section 18-54: Table of Land Uses

The Table of Land Uses on the following pages is provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text of this Chapter and any the Table of Land Uses, the text shall prevail.

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
																			Dwelling Unit Type
P	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 35 acre lot
C	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 40,000 sq. ft. lot
	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 21,000 sq. ft. lot
	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 14,000 sq. ft. lot
		P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 10,000 sq. ft. lot
		P	P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 8,700 sq. ft. lot
			P	P	P	P	P	P	P		P						P / C	P / C	(1) Single family 6,000 sq. ft. lot
				P	P	P	P		P		P						P / C	P / C	(2) Two Flat 6,000 sq. ft. lot
					P	P	P				C						P / C	P / C	(3) Twin House 2 3,000 sq. ft. lots
					P	P	P				C						P / C	P / C	(4) Duplex 6,000 sq. ft. lot
						P	P		P	C	C	C					P / C	P / C	(5) Townhouse 3-4 units
						C	P		C	C	C	C					P / C	P / C	(5) Townhouse 5-8 units
						P	P		P	C	C	C					P / C	P / C	(6) Multiplex 3-4 units
						C	P		C	C	C	C					P /	P /	(6) Multiplex 5-8 units

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
																	C	C	
						C	C										P / C	P / C	(6) Multiplex 9 – 12 units
							C										P / C	P / C	(g) Multiplex 13+ units
						P	P		P	C	C	C					P / C	P / C	(7) Apartment 3-4 units
						C	P		C	C	C	C					P / C	P / C	(7) Apartment 5-8 units
						C	C			C	C	C					P / C	P / C	(7) Apartment 9-12 units
							C			C	C	C					P / C	P / C	(7) Apartment 13+ units
								P									P / C	P / C	(8) Mobile Home 6,000 sq. ft. lot
								P									P / C	P / C	(9) Mobile Home Subdivision 6,000 sq. ft. lot
								C									P / C	P / C	(10) Mobile Home Park 4,500 sq. ft. per du; 5 acre minimum lot size
									P	P	P	P					P / C	P / C	(11) Mixed Use Dwelling Unit(s)

																			Agricultural Land Uses
P													P	P	P		P / C	P / C	(1) Cultivation
P																	P / C	P / C	(2) Husbandry

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
C																	P / C	P / C	(3) On-Site Agricultural Retail
P															C		P / C	P / C	(4) Intensive Agriculture
C														C	C		P / C	P / C	(5) Agricultural Services
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(6) Community Garden
C									C	C	C	C				C	P / C	P / C	(7) Market Garden
																			Institutional Land Uses
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(1) Small Scale Indoor Institutional
C	C	C	C	C	C	C	C	C	C	P	C	P	C	C	C	C	P / C	P / C	(2) Large Scale Indoor Institutional
															C		P / C	P / C	(3) Correctional Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(4) Outdoor Open Space Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(5) Passive Outdoor Recreation
P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	P	P / C	P / C	(6) Active Outdoor Recreation
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(7) Essential Services
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(8) Small Scale Public Services and Utilities
C														C			P / C	P / C	(9) Large Scale Public Services and Utilities

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
						C	P		C	C	C	C				C	P / C	P / C	(10) Institutional Residential
P	P	P	P	P	P	P	P	P	P	P	P	C				C	P / C	P / C	(11) Comm. Living Arrangement 1-8
					P	P	P		C	C	C	C				C	P / C	P / C	(12) Comm. Living Arrangement 9-15
						C	C		C	C	C	C				C	P / C	P / C	(13) Comm. Living Arrangement 16+
																			Commercial Land Uses
									P	P	P	P	P	P	P	P	P / C	P / C	(1) Office
									P	P	P	P	P	P	P	P	P / C	P / C	(2) Personal or Professional Service
C									P	P	P	P	P	P	P	P	P / C	P / C	(3) Artisan Studio
									P	P	P	P		P	C		P/ C	P/ C	(4) Indoor Sales or Service
									C	P	P	P			C		P / C	P / C	(5) Outdoor Display
									P	P	P	P					P / C	P / C	(6) Indoor Commercial Entertainment
									C	C	C	C					P / C	P / C	(7) Outdoor Commercial Entertainment
C									C	C	C	C				C	P / C	P / C	(8) Intensive Outdoor Recreation
									C	P	C	C					P / C	P / C	(9) In-Vehicle Sales or Service
C						C	C		C	P	C	C					P / C	P / C	(10) Bed and Breakfast

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
									C	P	C	C					P / C	P / C	(11) Commercial Indoor Lodging
						C	C		C	C	C	C					P / C	P / C	(12) Boarding House
									C	C	C	C					P / C	P / C	(13) Tourist House
C															C		P / C	P / C	(14) Campground
						C	C		C	C	C	C	C			C	P / C	P / C	(15) Group Daycare Center
C													C	C	C		P / C	P / C	(16) Animal Boarding
									P	P	P	P	P	P	P	P	P / C	P / C	(17) Indoor Maintenance Service
										C	C			C	C		P / C	P / C	(18) Outdoor Maintenance Service
										P	C						P / C	P / C	(19) Vehicle Sales
										P	C				C		P / C	P / C	(20) Vehicle Service
										P	C				C		P / C	P / C	(21) Vehicle Repair
															C		P / C	P / C	(22) Sexually-Oriented Land Use
																			Industrial Land Uses
										C		C	P	P	P	C	P / C	P / C	(1) Light Industrial
															P		P / C	P / C	(2) Heavy Industrial

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
													P	P	P	P	P / C	P / C	(3) Research, Development, and Related Manufacturing
C														C	P		P / C	P / C	(4) Production Greenhouse
C														C	P		P / C	P / C	(5) Indoor Food Production
																			Storage Uses
C													P	P	P		P / C	P / C	(1) Indoor Storage and Wholesaling
														C	P		P / C	P / C	(2) Outdoor Storage and Wholesaling
														C	C		P / C	P / C	(3) Personal Storage Facility
																			Transportation Land Uses
							C		C	C	C	C	C			C	P / C	P / C	(1) Transit Center
													C	C	P		P / C	P / C	(2) Distribution Center
														C	P		P / C	P / C	(3) Freight Terminal
C																	P / C	P / C	(4) Airport
																	P / C	P / C	(5) Heliport
									C	C	C	C	C	C	C	C	P / C	P / C	(6) Off-Site Parking
																			Telecommunication Land Uses
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(1) Satellite Dish

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(2) Personal Antenna and Tower
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(4) Communication Antenna
C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	P / C	P / C	(5) Communication Tower
																			Extraction and Disposal Land Uses
C															C		P / C	P / C	(1) Extraction
C															C		P / C	P / C	(2) Composting
															C		P / C	P / C	(3) Recycling and Waste Disposal
															C		P / C	P / C	(4) Salvage or Junkyard
															C		P / C	P / C	(5) Sand and Mineral Processing
																			Energy Production Land Uses
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P / C	P / C	(1) Small Wind Energy System
P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	(2) Solar Energy System
																			Accessory Land Uses
P	P	P	P	P	P	P	P	P	P	P	P	P					P / C	P / C	(1) Minor Home Occupation
C	C	C	C	C	C	C	C	C	P	P	P	P					P / C	P / C	(2) Conditional Home Occupation
P	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(3) In-Home Daycare 4-8 Children

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
P	P	P	P	P	P	P	P	P	P		P						P / C	P / C	(4) In-Family Suite
					C	C	C	C	C		C						P / C	P / C	(5) Accessory Dwelling Unit
P																	P / C	P / C	(6) Farm Residence
C																	P / C	P / C	(7) Migrant Employee Housing
P	P	P	P	P	P	P	P	P	P	P	P	P					P / C	P / C	(8) Residential Accessory Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(9) Nonresidential Accessory Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(10) Recreational Facility
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(11) Landscape Feature
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(12) Deck
P	P	P	P	P	P	P	P	P	P	P	P						P / C	P / C	(13) Residential Kennel
P																	P / C	P / C	(14) Residential Stable
P													P	P	P		P / C	P / C	(15) Outdoor Wood Boiler
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(16) On-Site Parking
P									P	P	P	P	P	P	P	P	P / C	P / C	(17) Company Cafeteria

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 3 (SR-3)	Single Family Residential – 4 (SR-4)	Single Family Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 12 (MR-12)	Multi-Family Residential – 24 (MR-24)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Industrial Park (IP)	Light Industrial (LI)	General Industrial (GI)	Research and Development (RD)	Campus Development (CD) Central Area	Campus Development (CD) Peripheral Area	**Land Uses Permitted:** Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(18) Onsite Ancillary Use
																			Temporary Land Uses
P																	P / C	P / C	(1) Temporary Farm Product Sales
P									P	P	P	P	P	P	P	P	P / C	P / C	(2) Temporary Outdoor Sales
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(3) Temporary Outdoor Assembly
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(4) Temporary Shelter Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(5) Temporary Storage Container
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(6) Temporary Construction Storage
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(7) Temporary Contractor's Project Office
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(8) Temporary On-Site Real Estate Sales Office
P	P	P	P	P	P	P											P / C	P / C	(9) Temporary Relocatable Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P / C	P / C	(10) Garage or Estate Sale
P									P	P	P	P				P	P / C	P / C	(11) Farmer's Market

(ORD 1240, 11/13/12; ORD 1245 3/12/13, ORD 1276 4/22/14; ORD 1311. 8/11/15; ORD 1316, 9/18/15; Ord. No. 1323, 12/8/15)

Section 18-55: Residential Land Uses

(1) Single Family: A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached single family residence which is located on an individual lot.

Regulations:

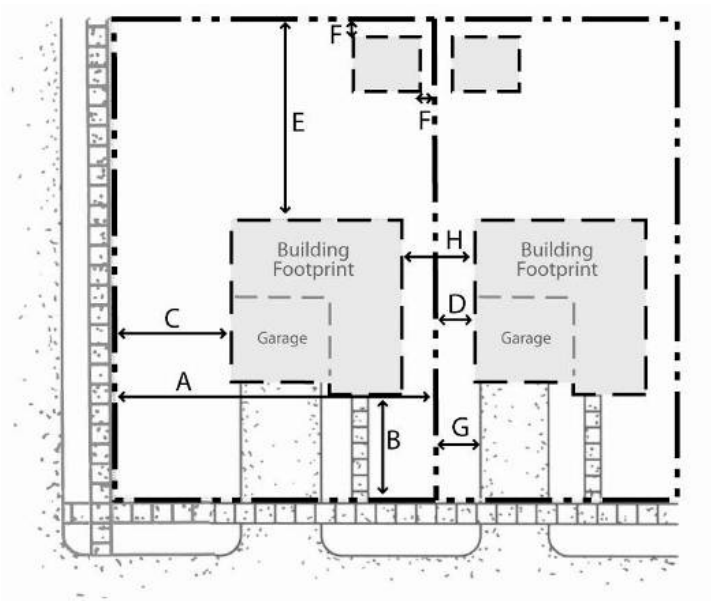
(a) The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), a modular home as permitted by Chapter 15 of the City of Marshfield Municipal Code, or a manufactured home that has received a Federal Manufactured Housing Certificate label.

(b) The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.

(c) Minimum required parking: Two spaces.

(d) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Single Family land uses. Specific requirements for Single Family uses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage)
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



(2) Two Flat: This dwelling unit type consists of a single structure with two separate residences each having a private individual access and no shared internal access other than a common hallway. Two Flats are attached units within a 2 story structure with one unit above the other, possibly with a shared front porch.

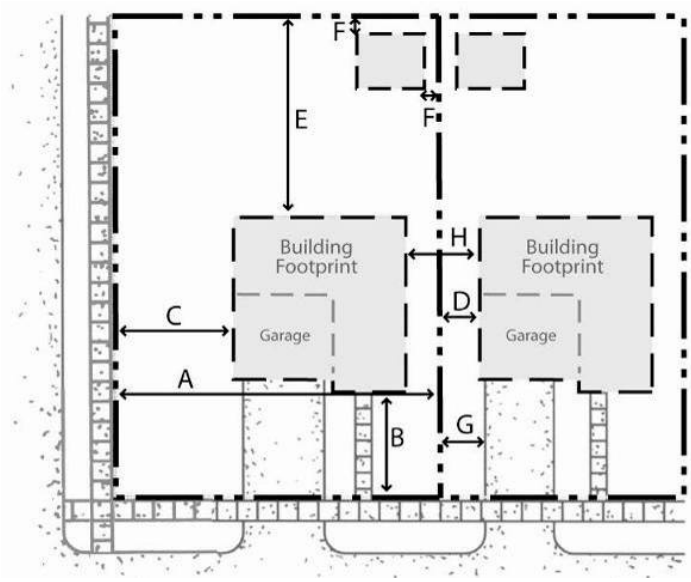
Regulations:

(a) This dwelling unit type may not be split into additional residences.

(b) Minimum required parking: 2 spaces per dwelling unit.

(c) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Two Flat land uses. Specific requirements for Two Flats can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



(3) Twin-House: This dwelling unit type consists of two separate residences, each having a private individual access and no shared internal access. Similar to Duplexes, Twin-Houses are attached side-by-side units, each with a ground floor and roof. Unlike Duplexes, Twin-Houses are located on separate lots.

Regulations:

(a) Individual sanitary sewer and public water laterals and utility meters are required for each lot.

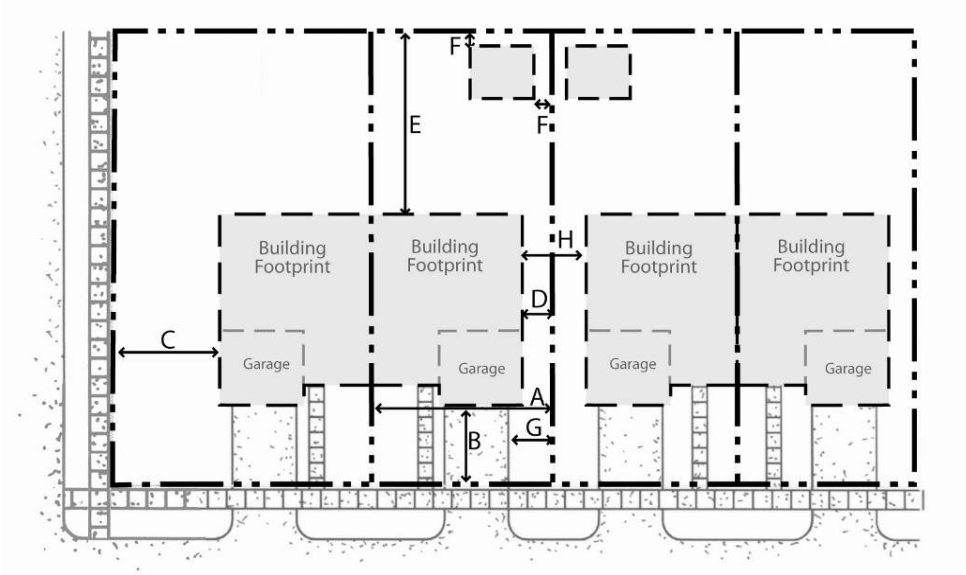
(b) This dwelling unit type may not be split into additional residences.

(c) A Twin-House is permitted a zero foot setback along the common wall and lot line.

(d) Minimum required parking: 2 spaces per dwelling unit.

(e) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Twin-House land uses. Specific requirements Twin-Houses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less
H	Minimum principal building separation (multi-structure developments on shared lots)



(4) Duplex: This dwelling unit type consists of two separate residences, each having a private individual access, and no shared internal access. Duplexes are attached side-by-side units located on one lot, each with a ground floor and roof.

Regulations:

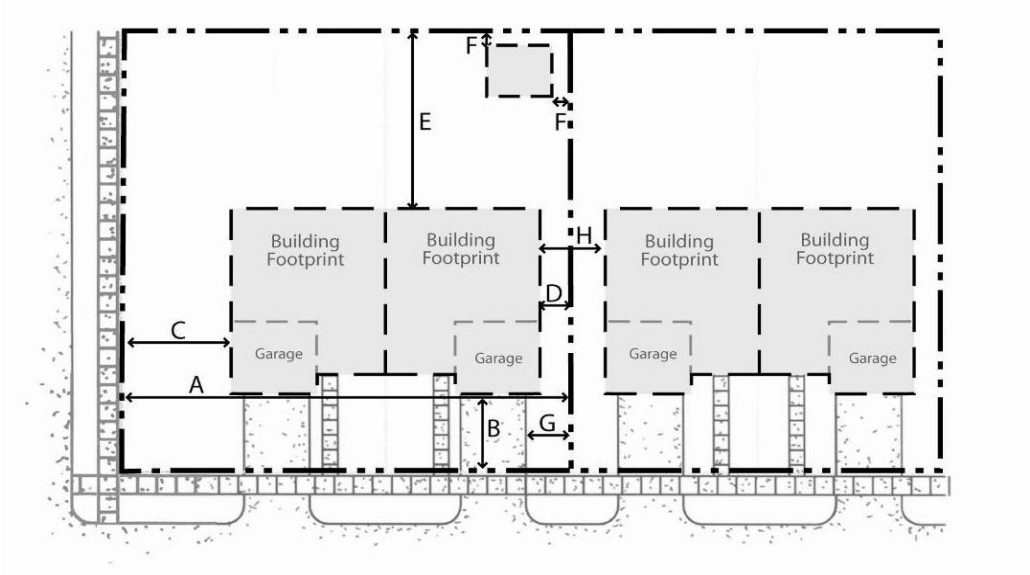
(a) This dwelling unit type may not be split into additional residences.

(b) A Duplex is permitted a zero foot setback along the common wall.

(c) Minimum required parking: 2 spaces per dwelling unit.

(d) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Duplex land uses. Specific requirements for Duplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



(5) Townhouse: A Townhouse consists of attached, 2 story residences, each having a private, individual access. This dwelling unit type may be located on its own lot or within a group development. Each dwelling unit shares at least one common wall with an abutting dwelling unit.

Regulations:

(a) No more than 8 and no less than 3 Townhouse dwelling units may be attached per building.

(b) All Townhouse units within a development shall be located a minimum of 25 feet from the boundary of the development.

(c) This dwelling unit type may not be split into additional residences.

(d) A Townhouse is permitted a zero foot setback along the common wall and/or lot line.

(e) Minimum required parking: 2 spaces per dwelling unit.

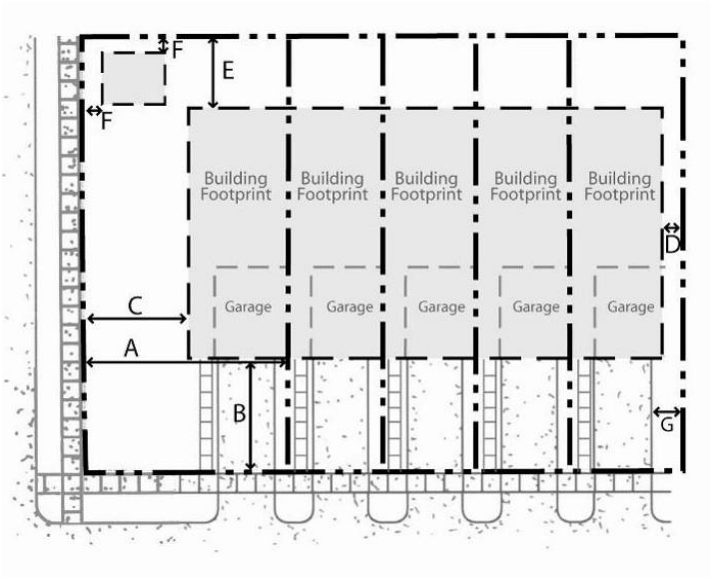
(f) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Townhouse land uses. Specific requirements for Townhouses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)

F Accessory building side and rear setback (lot line to accessory building)

G Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)

H Minimum principal building separation (multi-structure developments on shared lots)



(6) Multiplex: This dwelling unit type consists with 3 or more individual attached dwelling units which have private, individual exterior entrances.

Regulations:

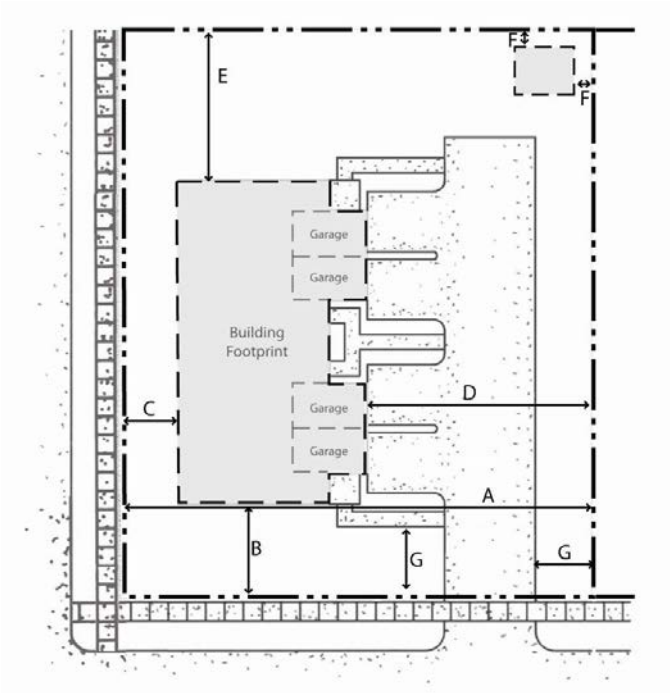
(a) As part of the conditional use requirement for group developments, any development comprised of one or more Multiplex buildings which contain 5 or more dwelling units shall provide additional site design features such as underground parking, architectural elements, landscaping, and/or on-site recreational facilities.

(b) This dwelling unit type may not be split into additional residences.

(c) Minimum required parking: One space per dwelling unit.

(d) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Multiplex land uses. Specific requirements for Multiplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



(7) Apartment: This dwelling unit type consists of a single structure with 3 or more individual attached dwelling units which take access from a shared entrance or hallway.

Regulations:

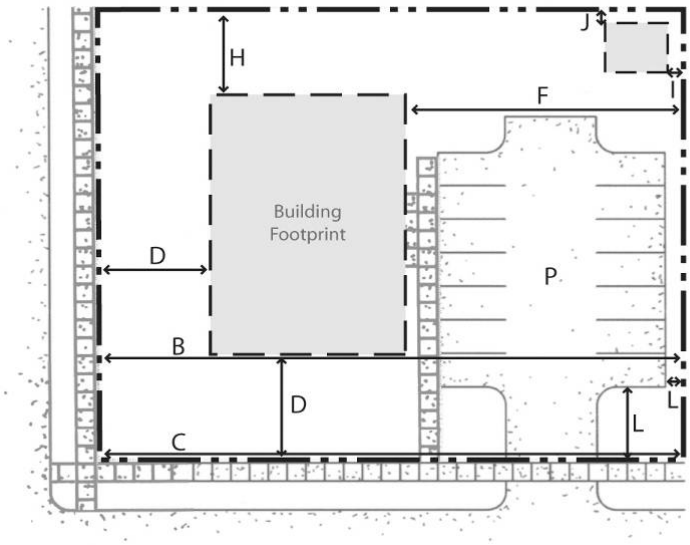
(a) As part of the conditional use requirement for group developments, any development comprised of one or more Apartment buildings which contain 5 or more dwelling units shall provide additional site design features such as underground parking, architectural elements, landscaping, and/or on-site recreational facilities.

(b) This dwelling unit type may not be split into additional residences.

(c) Minimum required parking: One space per dwelling unit.

(d) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Apartment land uses. Specific requirements for Apartments can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)
H	Minimum principal building separation (multi-structure developments on shared lots)



(8) Mobile Home and Manufactured Homes: A Mobile Home dwelling unit type consisting of a fully detached, single family residence, which has not received a Federal Manufactured Housing Certificate and was manufactured prior to June 15, 1976. A Manufactured Home is a one- or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with §70.043(1) Wis. Stats. and subchapters III, IV, and V, and XI of chapter SPS 321 of the Wis. Adm. Code, or a comparable foundation as approved by the local building services supervisor.

(8)

Regulations:

(a) No Mobile Home may be split into two or more residences.

(b) Within 30 days of occupancy, the owner shall remove the axle and install skirting.

(c) Minimum required parking: 2 spaces per Mobile Home and Manufactured Home.

(d) Mobile homes and manufactured homes shall have a minimum of a 3/12 pitched roof unless located in a mobile home park or mobile home subdivision.

(e) Each mobile home and manufactured home in the city which is occupied as a residence shall be installed on a basement on grade beams with masonry skirting, or comparable foundation approved by the building services supervisor.

(f) The minimum width for mobile homes and manufactured homes shall be 22 feet unless located in a mobile home park or mobile home subdivision.

(g) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Mobile Home and Manufactured Home land uses. Specific requirements for Mobile Homes and Manufactured Homes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

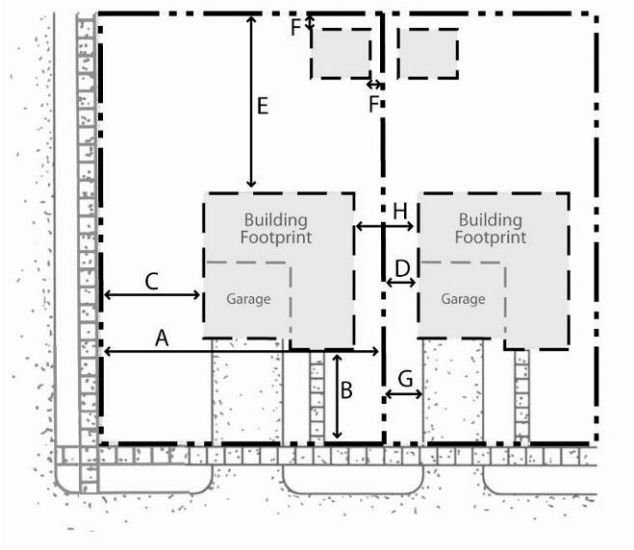
Key to Figure	
A	Minimum lot width (at building minimum setback line)
B	Street setback (lot line to principal building or attached garage):
C	Corner lot (street side) setback (lot line to principal building or attached garage)
D	Side setback (lot line to principal building or attached garage)

E Rear setback (lot line to principal building or attached garage)

F Accessory building side and rear setback (lot line to accessory building)

G Minimum pavement setbacks (lot line to pavement excluding driveways entrances and lots that are 50 feet wide or less)

H Minimum principal building separation (multi-structure developments on shared lots)



(9) Mobile Home Subdivision: This land use is a form of residential development which is exclusively reserved for individually sold lots containing Mobile Homes and Manufactured Homes. Each Mobile Home and Manufactured Home must meet the requirements listed under Subsection (8), above.

Regulations:

(a) Development shall be located so as to blend with abutting residentially zoned areas to the greatest extent possible.

(b) Minimum required parking: 2 spaces per residential dwelling unit.

(10) Mobile Home Park: This land use is a form of residential development which is exclusively reserved for individually sold or rented air right pads containing Mobile Homes or Manufactured Homes. Each Mobile Home or Manufactured Home must meet the requirements listed under Subsection (8), above.

Regulations:

(a) Development shall be located so as to blend with abutting residentially zoned areas to the greatest extent possible.

(b) Except for where access is currently permitted, no direct access shall be permitted to local residential streets. Access shall be provided by private streets.

(c) The minimum lot size for new mobile home parks shall be 5 acres.

(d) Each mobile home within a mobile home or manufactured homepark shall have 40 feet of frontage on a public or private drive.

(e) Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and the subdivision regulations may be modified in order to meet the following minimum requirements:

1. The entry road shall be a minimum of 32 feet in width.

2. Minor streets may be no less than 30 feet in width.

3. Cul-de-sac streets shall be limited in length to 300 feet and shall be provided at the closed end with a turnaround or cul-de-sac with a roadway 90 feet in diameter or more.

4. All streets shall be paved with bituminous or concrete pavement and meet all standards prescribed by city codes and regulations, when such street has been developed to the extent of 2/3 of its length.

(f) Each mobile home shall be at least 20 feet from other mobile homes at the closest point when parallel to each other and 20 feet from a private drive. Existing mobile home parks are exempt from this requirement when a new unit is being placed in a previously defined mobile home/manufactured home space or lot.

(11) Mixed Use Dwelling Unit(s): One or more residential dwellings within a mixed use structure (i.e. a single building containing more than one type of land use). Mixed Use Dwelling Unit(s) are permitted on the ground floor of a building used for an office, commercial, or institutional land use, except in the DMU district.

Regulations:

(a) Minimum required parking: One space per residential dwelling.

(ORD 1240, 11/13/12; ORD 1252 7/9/2013)

Section 18-56: Agricultural Land Uses

(1) Cultivation: Operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. Cultivation includes the raising of trees as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered Cultivation if said plants are consumed by animals which are located off-site. This land use excludes Community Garden and Market Garden.

Regulations:

(a) Minimum required parking: None.

(2) Husbandry: All operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, foul (including chickens, turkeys, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. This excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds). Apiaries are also considered Husbandry land uses.

Regulations:

(a) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.

(b) All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 25 feet from any residentially zoned property.

(c) Minimum required parking: One space per employee on the largest work shift. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 18-103).

(3) Intensive Agriculture: All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit per acre and/or agricultural activities requiring structures, equipment and/or infrastructure specific to one operation rather than to farming in general. Examples of such land uses include feed lots, hog farms, poultry operations, aquaculture, and certain other operations meeting this criterion.

Regulations:

(a) Intensive Agricultural uses shall not be located in or abut an existing or platted residential subdivision.

(b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.

(c) Intensive Agricultural uses shall be located in an area which is planned to remain commercially viable for agricultural land uses.

(d) Intensive Agricultural uses shall be completely surrounded by a bufferyard with a minimum opacity of 0.8.

(e) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 18-103).

(4) On-Site Agricultural Retail: The sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations; such activity constitutes Indoor Sales or Service (see Section 18-58(5)).

Regulations:

(a) Signage shall be limited to one on-site sign which shall not exceed 30 square feet in area.

(b) Such land use shall be served by no more than one driveway. Said driveway shall require a valid driveway permit (per Chapter 15 of the City of Marshfield Code of Ordinances).

(c) On-Site Agricultural Retail uses, once discontinued for a period of 12 months, shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 district.

(d) Minimum required parking: One parking space shall be required for every 200 square feet of product display area. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 18-103).

(5) Agricultural Service: Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include, but not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial Composting uses, see Section 18-63(2)).

Regulations:

(a) Agricultural Service uses shall not be located in or abut an existing or platted residential subdivision.

(b) All outdoor animal containments (i.e. pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.

(c) If within the RH-35 district, agricultural service uses shall be located in an area which is planned to remain commercially viable for agricultural land uses.

(d) Once discontinued for a period of 12 months, Agricultural Service uses shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 or GI districts.

(e) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 18-103).

(6) Community Garden: Community Garden areas for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands and may be principle or accessory uses.

Regulations:

(a) All garden areas and structures shall be located a minimum of 5 feet from the lot line.

(b) A site plan shall be submitted to the Zoning Administrator for approval. Said site plan shall list the property owner, established sponsoring organization and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

(c) The following structures are permitted in Community Gardens: tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.

(d) Signs shall be limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall not exceed a total aggregate area of 48 square feet.

(e) Fences shall comply with the regulations in Section 18-106.

(f) The applicant shall demonstrate adequate off-street parking availability.

(7) Market Garden: An area for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands, with on-site sales of crops grown on-site permitted, and may be principle or accessory uses. Market Gardens shall adhere to the following listed regulations.

(a) All activity areas and structures shall be located a minimum of 5 feet from the lot line.

(b) A site plan shall be submitted to the Zoning Administrator for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

(c) The following structures are permitted within Market Gardens: tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.

(d) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.

(e) Signs shall be limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall not exceed a total aggregate area of 48 square feet.

(f) Fences shall comply with the regulations in Section 18-106.

(g) The applicant shall demonstrate adequate off-street parking availability.

(ORD 1240, 11/13/12)

Section 18-57: Institutional Land Uses

(1) Small Scale Indoor Institutional: Small scale indoor institutional uses of 10,000 gross square feet or less including indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), municipal facilities, clinics, pre-K through high schools, college or trade schools, churches, nonprofit clubs, nonprofit fraternal organizations, funeral homes, and similar land uses. Small Scale Indoor Institutional uses have less impact on surrounding properties than Large Scale Indoor Institutional uses.

Regulations:

(a) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).

(b) Minimum required parking: Generally, one space per 3 expected patrons at maximum capacity; however, the following specific requirements may apply.

1. Church: One space per 5 seats at the maximum capacity.
2. Community or recreation center: One space per 350 square feet of gross floor area, or one space per 4 patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
3. Funeral home: One space per 3 patron seats at the maximum capacity, plus one space per employee on the largest work shift.
4. Library or museum: One space per 350 square feet of gross floor area or one space per 4 seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
5. Elementary and junior high: One space per 2 employees.
6. Senior high: One space per 2 employees, plus 30 percent of maximum capacity.
7. College or trade school: One space per staff member on the largest work shift, plus one space per 2 students of the largest class attendance period.

(2) Large Scale Indoor Institutional: Large scale indoor institutional uses with greater than 10,000 gross square feet including, indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), municipal facilities, hospitals, large scale clinics, pre-K through high schools, college or trade schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, funeral homes, and similar land uses, and outdoor facilities ancillary to such uses (such as sports fields and outdoor gathering spaces).

Regulations:

(a) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).

(b) Minimum required parking: Generally, one space per 3 expected patrons at maximum capacity; however, the following specific requirements may apply.

1. Hospital: 1.5 spaces per bed.
2. Church: One space per 5 seats at the maximum capacity.
3. Community or recreation center: One space per 350 square feet of gross floor area, or one space per 4 patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
4. Funeral home: One space per 3 patron seats at the maximum capacity, plus one space per employee on the largest work shift.
5. Library or museum: One space per 350 square feet of gross floor area or one space per 4 seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
6. Elementary and junior high: One space per 2 employees.
7. Senior high: One space per 2 employees, plus 30 percent of maximum capacity.
8. College or trade school: One space per staff member on the largest work shift, plus one space per 2 students of the largest class attendance period.

(3) Correctional Institutional: A facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of the law including adult detention centers, juvenile delinquency centers, jails, prisons, and similar land uses.

Regulations:

(a) All structures shall be located a minimum of 100 feet from any residentially zoned property.

(b) Minimum required parking: One space per each employee on the largest work shift including contracted employees plus 10 percent of that number of spaces.

(4) Outdoor Open Space Institutional: Cemeteries, privately held permanently protected green space areas, open grassed areas not associated with any particular active recreational land use, and similar land uses.

Regulations:

(a) All buildings shall be located a minimum of 50 feet from any residentially zoned property. Grave sites are exempt from setback requirements.

(b) Minimum required parking: No parking is required; however, for uses accessory to cemeteries (e.g., mausoleums), parking may be required per the recommendation of the Plan Commission or Zoning Administrator.

(5) Passive Outdoor Recreation: Recreational land uses which involve passive recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, botanical gardens, fishing areas, and similar land uses.

Regulations:

(a) Minimum required parking: One space per 4 expected patrons at maximum capacity for any use requiring over 5 spaces.

(6) Active Outdoor Recreation: Recreational land uses which involves active recreational activities. Such land uses include tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, playgrounds, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, and similar land uses.

Regulations:

(a) Facilities using recreational facility night lighting and abutting a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.50. Said bufferyard shall be located at the property line abutting said residentially zoned property.

(b) All structures shall be located a minimum of 50 feet from any residentially zoned property.

(c) Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.

(d) Minimum required parking: The Zoning Administrator shall determine parking requirements based on specific uses and needs.

(7) Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater conveyance, or other comparable utilities. Essential Services include such above-surface facilities as poles, guide wires, fire alarm boxes, water hydrants, utility posts, police call boxes, and standpipes. Essential Services do not include larger utility facilities included under Public Services and Utilities, such as electric substations, wastewater treatment plants, well houses, and water towers. Essential services are exempt from density, intensity, and bulk regulations.

(8) Small Scale Public Services and Utilities: Small scale City, county, state, and federally owned facilities such as light stations, pump houses, water towers, public and/or private utility substations, utility and public service related distribution facilities, and similar land uses. This does not include uses listed under Essential Services or Large Scale Public Services and Utilities.

Regulations:

(a) All structures shall be located a minimum of 20 feet from any residentially zoned property.

(b) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.

(c) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

(d) All outdoor storage areas abutting a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line abutting said residentially zoned property.

(e) Minimum required parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.

(9) Large Scale Public Services and Utilities: Large scale City, county, state, and federally owned facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public and/or private utility substations, utility and public service related distribution facilities, and similar land uses. This does not include uses listed under Essential Services or Small Scale Public Services and Utilities.

Regulations:

(a) All structures shall be located a minimum of 20 feet from any residentially zoned property.

(b) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.

(c) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

(d) All outdoor storage areas abutting a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line abutting said residentially zoned property.

(e) Minimum required parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.

(10) Institutional Residential: Residential development designed to accommodate Institutional Residential land uses, such as senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convents, monasteries, dormitories, nursing homes, convalescent homes, limited care facilities, physical rehabilitation centers, transitional housing (housing and supportive services for homeless persons that is designed to facilitate the movement of homeless persons to independent living), and similar land uses not considered to be Community Living Arrangements (see separate listings).

Regulations:

(a) Project shall provide an off-street passenger loading area at a minimum of one location within the development.

(b) Minimum required parking: The following specific parking requirements may apply.

1. Senior housing or retirement housing: One half space per dwelling unit.

2. Assisted living facility or limited care facility: One space per 2 dwelling units.

3. Monastery, convent, or dormitory: One space per 6 residents, plus one space per employee on the largest work shift, plus one space per 5 chapel seats if the public may attend.

4. Nursing home or hospice: One space per 4 patient beds, plus one space per 2 employees on the largest work shift, plus one space per doctor.

(11) Community Living Arrangement (1-8 Residents): Facilities including community living arrangements for adults (per Wisconsin Statutes 46.03(22)), community living arrangements for children (per Wisconsin Statutes 48.743), and community based residential facilities (per Wisconsin Statutes 50.01(1g)). Community Living Arrangements do not include Group Daycare Centers, nursing homes,

hospitals, prisons, or jails. Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Regulations:

(a) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.

(b) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population or one percent of the Aldermanic District's population (as shown in the most recent U.S. Census).

(c) Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.

(d) Each facility shall have a rear and side yard which is visually screened from abutting residential properties unless such facility is contained in a single family dwelling.

(e) Minimum required parking: One space for each employee of the largest shift plus one space for every 3 beds.

(f) The Plan Commission may grant exceptions to any of these regulations by issuance of a conditional use permit.

(12) Community Living Arrangement (9-15 Residents): See description under Subsection (11), above.

Regulations:

(a) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.

(b) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population.

(c) Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.

(d) Each facility shall have a rear and side yard which is visually screened from abutting residential properties unless such facility is contained in a single family dwelling.

(e) Minimum required parking: One space for each employee of the largest shift plus one space for every 3 beds.

(f) The Plan Commission may grant exceptions to any of these regulations by issuance of a conditional use permit.

(13) Community Living Arrangement (16+ Residents): See description under Subsection (11), above.

Regulations:

(a) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.

(b) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population.

(c) Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.

(d) The minimum lot size for each district shall apply, except that the minimum lot area in square feet shall be increased 1,000 square feet for each additional 2 residents over 15.

(e) Each facility shall have a rear and side yard which is visually screened from abutting residential properties unless such facility is contained in a single family dwelling.

(f) Minimum required parking: One space for each employee of the largest shift plus one space for every 3 beds.

(g) The Plan Commission may grant exceptions to any of these regulations by issuance of a conditional use permit.

(ORD 1240, 11/13/12)

Section 18-58: Commercial Land Uses

(1) Office: Indoor Offices where the primary function is the handling of information or administrative services. Office uses do not typically provide services directly to customers on a walk-in basis.

Regulations:

(a) Minimum required parking: One space per 350 square feet of gross floor area.

(2) Personal or Professional Service: Indoor service land uses where the primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include establishments where customers make an appointment, such as professional services, insurance or financial services, realty offices, small scale walk-in medical offices and clinics, veterinary clinics, barber shops, beauty shops, tattoo parlors, and related land uses including ancillary on site production of items used in the provision of such services. Personal and Professional Services do not include hospitals which are regulated under Large Scale Indoor Institutional.

Regulations:

(a) Minimum required parking: Generally, one space per 350 square feet of gross floor area.

(3) Artisan Studio: A building or portion thereof used for the preparation, display and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use.

(a) Minimum required parking: One space per 350 square feet of gross floor area plus adequate on-site parking is required for all customer and employee vehicles.

(4) Indoor Sales or Service: The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Includes general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, gift shops, laundromats, bakeries, pawn shops, payday lenders, and a number of other uses meeting this definition.

Regulations:

(a) Spacing requirements for payday lenders:

1. The payday lender is located at least 1,500 feet from another payday lender; and
2. The payday lender is located at least 150 feet from any single family or two family residential zoning district.
3. Exceptions to the Location Requirement. If a payday lender that is doing business on January 1, 2011, from a location that does not comply with the space requirements in this section, the payday lender may continue to operate from that location.

(b) Minimum required parking: One space per 350 square feet of gross floor area.

(5) Outdoor Display: Land uses where sales and display merchandise or equipment is conducted outside of an enclosed building. Examples include, but are not limited to, outdoor garden centers, outdoor recreation equipment sales, monument sales, lumber, vehicle rental, truck/trailer rental, and manufactured and mobile housing sales. If a land use displays for sale or rent only a limited amount of product outside of an enclosed building, such use may instead be considered incidental to Indoor Sales or Service under Section 18-58(4).

Regulations:

(a) The outdoor display area shall be calculated as the area which would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors.

(b) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.

(c) The display of items shall not be permitted in required setback areas, landscape areas, bufferyards, or permanently protected green space areas unless located in a parking lot.

(d) Inoperable vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.

(e) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by (i), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

(f) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

(g) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(h) Outdoor Display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.

(i) Minimum required parking: One space per 1,000 square feet of gross floor area.

(6) Indoor Commercial Entertainment: Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, restaurants, taverns, theaters, health or fitness centers, training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

Regulations:

(a) New customer entrances shall be located as far as possible from residentially zoned property.

(b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

(c) Minimum required parking: One space per every 100 square feet of gross floor area for banquet halls, theaters, or similar uses. One space per every 150 feet of gross floor area for restaurants, taverns and similar uses. One space per every 300 feet of gross floor area for all other uses.

(7) Outdoor Commercial Entertainment: Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of such land uses include outdoor eating and drinking areas, outdoor food vendors and related seating used longer than 30 days, outdoor assembly areas, volleyball courts, horse shoes, and outdoor swimming pools associated with a lodging facility.

Regulations:

(a) New customer entrances shall be located as far as possible from residentially zoned property.

(b) Facility shall provide bufferyard with minimum opacity of 0.20 along all borders of the property abutting residentially zoned property.

(c) Minimum parking for food vendor trailers is one space per 20 square feet of gross floor area of the trailer.

(d) Outdoor Commercial Entertainment activities proposed in a public right of way or on City owned property must receive Common Council approval for such use, in addition to any required conditional use permit.

(e) Minimum required parking: One space for every 3 persons at the maximum capacity of the establishment.

(8) Intensive Outdoor Recreation: Recreational land uses, that require intensive lighting and generate regional traffic and noise beyond property lines and require intensive lighting. Such land uses include, but are not limited to, race tracks, stadiums, fair grounds, batting cages, driving ranges, outdoor commercial swimming pools, miniature golf facilities, amusement parks, drive-in theaters, water parks, and similar land uses.

Regulations:

(a) Facilities using night lighting and abutting a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 1.0. Said bufferyard shall be located at the property line abutting said residentially zoned property.

(b) Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.

(c) All activity areas shall have a minimum setback of 100 feet from any residentially zoned property.

(d) Minimum required parking: One space per 4 expected patrons at maximum capacity.

(9) In-Vehicle Sales or Service: Land uses where sales and/or services are conducted to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include, but are not limited to, drive-in facilities, drive-through facilities, fuel stations, and car washes.

Regulations:

(a) If outdoor seating is available, clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).

(b) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.

(c) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.

(d) The setback of the outer edge of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 25 feet per the measurement of roof height.

(e) Facility shall provide a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.

(f) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands. Said curbs shall be a minimum of 6 inches high and shall be of a non-mountable design.

(g) Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window. This requirement may be adjusted by the Plan Commission through the conditional use process.

(h) Minimum required parking: Refer to the parking requirements of the other land use activities on the site, such as indoor sales and service land uses for a gas station/convenience store, or office land uses for a bank.

(10) Bed and Breakfast: Bed and Breakfasts are places of lodging that provide rooms for rent for more than 10 nights during a 12-month period, are the owner's personal residence, and are occupied by the owner at the time of rental.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.40 along all property borders abutting residentially zoned property.

(b) The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast operation is active.

(c) Each operator shall keep a list of names of all persons staying at the Bed and Breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by City officials at any time.

(d) The maximum stay for any occupants of Bed and Breakfast operations shall be 14 consecutive days.

(e) Minimum required parking: One space per each bedroom in addition to requirements for principal residents.

(11) Commercial Indoor Lodging: Facilities where overnight housing in individual rooms or suites of rooms is provided, with each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, lounge, fitness centers, and other on-site facilities available to non-lodgers are considered ancillary uses and therefore do not require review as a separate land use.

Regulations:

(a) New customer entrances shall be located as far as possible from residentially zoned property.

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.

(c) Minimum required parking: One space per bedroom, plus one space for each employee on the largest work shift. Additional parking for other on-site uses may be required.

(12) Boarding House: Boarding Houses include any residential use with shared bathroom, living, and/or kitchen facilities.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.

(b) Minimum required parking: One space per each bedroom for rent.

(13) Tourist House: A dwelling unit available for overnight, weekend or weekly stays by paying guests, which may or may not be owner-occupied for parts of the year. These uses are often referred to as vacation rentals and include timeshare units. Where such units are available for lease for periods of time longer than 30 consecutive days, such uses shall not be considered Tourist Houses, but shall instead be considered Single Family dwellings, separately described and regulated under this Chapter. Also not included within this land use category are: Bed and Breakfast, Commercial Indoor Lodging, or Boarding House.

Regulations:

(a) Occupancy shall be limited to 2 persons per bedroom, plus an additional 2 persons. At no time may the number of guests exceed 8 regardless of the number bedrooms in the dwelling unit.

(b) The maximum stay for any party other than the owner of the premises shall be 30 consecutive days.

(c) The number of guest vehicles allowed on site is limited to the number of bedrooms in the unit. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.

(d) The appearance or use of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.

(e) The availability of the Tourist House to the public shall not be advertised on site.

(f) Minimum required off-street parking: One space per each bedroom.

(14) Campground: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles.

Regulations:

(a) Campgrounds shall be surrounded by a bufferyard with a minimum opacity of 0.70 along all property borders abutting residentially zoned property.

(b) Minimum required parking: One and one-half (1.5) spaces per campsite.

(15) Group Daycare Center (9+ Children): Facilities where qualified persons provide childcare services for 9 or more children. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are considered an accessory use and require review as a separate land use.

Regulations:

(a) Group Daycare Centers shall not be located within a residential building.

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property (see Article VIII).

(c) The property owner's permission and signature is required as part of the conditional use permit application.

(d) Minimum required parking: One space per 5 students, plus one space for each employee on the largest work shift.

(16) Animal Boarding: Facilities where short-term and/or long-term animal boarding is provided, including commercial kennels, commercial stables, and animal shelters. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to and do not require separate consideration.

Regulations:

(a) Facility shall provide appropriate separation from animal containment areas to residentially zoned property.

(b) Each animal shall be provided with an indoor containment area.

(c) The minimum permitted size of horse or similar animal stall shall be 100 square feet.

(d) Minimum required parking: One space per every 1,000 square feet of gross floor area.

(17) Indoor Maintenance Service: Facilities where maintenance service is provided, including repair, and operations (except loading) are located entirely within an enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

(a) Minimum required parking: One space per 350 square feet of gross floor area.

(18) Outdoor Maintenance Service: Facilities where maintenance service is provided, including repair, and where all or any portion of the operation is located outside of an enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

(a) All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60.

(b) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.

(c) Minimum required parking: One space per 350 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.

(19) Vehicle Sales: The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses also include an ancillary repair shop associated with the vehicle display lot and sales building.

Regulations:

(a) The outdoor vehicle sales area shall be clearly depicted on the site plan.

(b) The display of vehicles shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.

(c) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all borders of the display area abutting residentially zoned property.

(d) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(e) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.

(f) Minimum required parking: One space per 350 square feet of gross floor area.

(20) Vehicle Service: Facilities where vehicle service is provided entirely within an enclosed building, such as an oil change shop. This shall not include Vehicle Sales or Vehicle Repair.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all borders of the display area abutting residentially zoned property.

(b) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(c) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.

(d) Minimum required parking: One space per 350 square feet of gross floor area.

(21) Vehicle Repair: Facilities where vehicle repair is provided entirely within an enclosed building including unlicensed or inoperable vehicles used for spare parts. This shall not include Vehicle Sales or Vehicle Service.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all borders of the display area abutting residentially zoned property.

(b) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(c) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.

(d) Minimum required parking: One space per 350 square feet of gross floor area.

(22) Sexually-Oriented Land Uses: Any facility oriented to the display of sexually-oriented materials such as videos, movies, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas; including the provision of body piercing or tattooing services to "sexually specified areas." For the purpose of this Chapter, "sexually specified areas" includes any of the following: genitals, anal area, female areola or nipple. "Sexually-oriented material" includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5 percent of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

NOTE: The incorporation of this Subsection into this Chapter is designed to reflect the Common Council's official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Common Council is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the City's Comprehensive Plan and protect the character and integrity of its commercial and residential neighborhoods.

Regulations:

(a) Facilities shall be located a minimum of 1,000 feet from any commercially zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.

(b) Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.

(c) Minimum required parking: One space per 350 square feet of gross floor area, or one space per person at the maximum capacity of the establishment, whichever is greater.

(ORD 1240, 11/13/12; ORD 1253, 7/9/13)

Section 18-59: Industrial Land Uses

(1) Light Industrial: Facilities where all operations, with the exception of loading, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Light Industrial land uses may include ancillary office space and may conduct indoor sales as an accessory use provided that the use complies with the requirements of Section 18-65(17).

Regulations:

(a) All activities, but excluding loading and unloading, shall be conducted entirely within the confines of a building.

(b) Minimum required parking: One space per each employee on the largest work shift.

(2) Heavy Industrial: Industrial activities that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples include, but are not limited to: meat product producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay, or glass product

producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Chapter 125, Wisconsin Statutes. Heavy Industrial land uses may include ancillary office space.

Regulations:

(a) All activities, including ancillary office space but excluding loading and unloading, shall be conducted entirely within the confines of a building.

(b) All outdoor activity areas shall be surrounded by a bufferyard with a minimum opacity of 1.00.

(c) All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property.

(d) No equipment or materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.

(e) In no instance shall a Heavy Industrial land use exceed the performance standards listed in Article VII.

(f) Minimum required parking: One space per each employee on the largest work shift.

(3) Research, Development, and Related Manufacturing: Research and development and the manufacturing of items for testing and for sale that are associated with the research and development conducted on-site. All operations, with the exception of loading, shall be conducted entirely within an enclosed building. Such land uses shall not be associated with or result in nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion).

Regulations:

(a) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.

(b) Minimum required parking: One space per each employee on the largest work shift.

(4) Production Greenhouse: Any business whose principal activity is the growing and wholesaling of plants or plant byproducts (not including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors.

Regulations:

(a) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (f), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

(b) Storage and/or Outdoor Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

(c) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

(d) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of Outdoor Display areas abutting residentially zoned property.

(e) Minimum required parking: One space per 350 square feet of gross floor area.

(5) Indoor Food Production: Any business whose principal activity is the production and wholesaling of plants or plant byproducts (including fruits and vegetables) that are grown on-site within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors. Indoor Food Production also includes the farming of aquatic organisms (plants and animals) under controlled conditions, and which is located entirely within an enclosed building and utilizes recirculating (closed) system technology. Such operations may also incorporate aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system.

Regulations:

(a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of non-industrialized areas at an elevation of 5 feet above the grade of all abutting properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.

(b) Storage and/or Outdoor Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

(c) All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.

(d) The storage of items shall not be permitted in any landscaping areas, bufferyard areas, or permanently protected green space areas.

(e) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (n), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.

(f) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(g) Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.

(h) Prior to the issuance of a conditional use permit, applicants wishing to establish indoor aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the City Engineer.

(i) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.

(j) The on-site retail sale of seafood or vegetables shall be considered Incidental Indoor Sales subject to the provisions of Section 18-65(17), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an indoor sales and service principal land use.

(k) Site plans shall be provided which indicate the location of all outdoor activity areas.

(l) On-site composting shall be permitted, subject to the following regulations:

(m) Compost areas shall be fully screened on all 4 sides.

(n) Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.

(o) No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.

(p) Minimum required parking: For indoor aquaculture, one space for each 500 square feet of principal building area. For wholesale greenhouses, one space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

(ORD 1240, 11/13/12)

Section 18-60: Storage Land Uses

(1) Indoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Section 18-65(17).

Regulations:

(a) Minimum required parking: One space per 2,000 square feet of gross floor area.

(2) Outdoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an Outdoor Storage and Wholesaling land use. Examples of this land use include, but are not limited to, storage yards, equipment yards, lumber yards, and coal yards.

Regulations:

(a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of 5 feet above the grade of all abutting properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.

(b) The storage of items shall not be permitted in required frontage landscaping areas, bufferyard areas, or permanently protected green space areas.

(c) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Subsection (g). If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.

(d) Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

(e) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

(f) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

(g) Minimum required parking: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

(3) Personal Storage Facility: Also known as "mini-warehouses," these land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area. Such storage areas may be available on either a condominium or a rental basis. This land

use may include multiple buildings, shall be regulated as a conditional use, and shall not be considered a Group Development.

Regulations:

(a) Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.

(c) No electrical power shall be run to the storage facilities, except for exterior lighting and interior hallway lighting.

(d) Minimum required parking: One space for each employee on the largest work shift.

(ORD 1240, 11/13/12)

Section 18-61: Transportation Land Uses

(1) Transit Center: A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include, but are not limited to, bus stations, train stations, and park and ride stations.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

(c) Minimum required parking: As sufficient to accommodate parking needs.

(2) Distribution Center: Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Section 18-65(17).

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

(c) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

(d) Minimum required parking: One space per each employee on the largest work shift.

(3) Freight Terminal: Land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment.

Regulations:

(a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

(c) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

(d) Minimum required parking: One space per each employee on the largest work shift.

(4) Airport: Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport.

Regulations:

(a) The Airport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.

(b) Minimum required parking: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

(5) Heliport: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Regulations:

(a) The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include a site plan of the proposed facility and an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.

(b) The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.

(c) Minimum required parking: none.

(6) Off-Site Parking: Off-Site Parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed, and operable. See also Section 18-103 for additional parking regulations.

Regulations:

(a) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(ORD 1240, 11/13/12)

Section 18-62: Telecommunication Land Uses

(1) Satellite Dish: A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite. This land use applies to dishes for personal use and private businesses (e.g. taverns and restaurants).

Regulations:

(a) In all districts, satellite dishes less than 3 feet in diameter may be located anywhere on a lot, or on any principal or accessory building, except in the required or provided front or street side yard, whichever is more permissive.

(b) In all districts, satellite dishes larger than 3 feet in diameter may be erected on the roof of any principal or accessory buildings, or any yeard except the required or provided front or street side yards, whichever is more permissive

(c) No advertising or graphic designs are permitted on satellite dishes in any zoning district.

(d) In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this chapter, the Zoning Administrator may allow the placement of a satellite dish in a location that does not adversely affect health, safety, general welfare, or aesthetics of the general public.

(e) There is no permit or fee required for the installation of a satellite dish.

(2) Personal Antenna or Tower: Devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building or structure. This definition includes the structure, supports, antennas, and equipment buildings. This land use applies to antenna and towers for personal use. Examples include amateur radio antenna and personal television antenna.

Regulations:

(a) A building permit is not required for a personal antenna or tower. However, a Land Use Permit is required for freestanding personal antennas and towers greater than 35 feet gall (measured from the group) or 15 feet tall when attached to the roof of a building (measured from the roof where attached to the roof of a structure). With the Land Use permit, the owner shall provide a drawing which shows the proposed method of installation, the manufacturer's specifications (if any), and a site plan which depicts the location of the proposed antenna, any existing antenna, property lines and all buildings.

(b) Personal antennas and towers shall be installed pursuant to the manufacturer's specifications.

(c) Personal antennas and towers shall not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

(d) Personal antennas mounted on the sides of building shall not protrude more than 2.5 feet from the side of the building.

(e) Guyed wires shall, at a minimum, meet the setbacks of a nonresidential accessory building. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.

(f) The attachment to a personal antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited. This regulation does not include weather devices.

(3) Communication Antenna: Devices used for the transmission or reception of electromagnetic , radio signals used in the provision of mobile services, attached to a Communication Tower, building, or alternative tower structures, including equipment buildings/cabinets.

Regulations:

(a) Applicability.

1. Communication Antennas may be installed, erected and maintained pursuant to the provisions of this section. All antennas in the City of Marshfield shall be subject to these regulations.

2. A different use on the same lot shall not preclude the installation of an antenna on such lot.

3. This land use category includes the placement of new antennas and equipment buildings used in conjunction with an existing tower.

(b) General Requirements.

1. Compliance with Federal Regulations. Communication antennas and towers shall be erected and installed in accordance with the state electrical code adopted by reference in Chapter 17 of the Municipal Code National Electrical Safety Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

2. Communication antennas shall not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

3. Communication Tower and Nonresidentiall Building: CommunicationAntennas may be placed on commercial communication towers and nonresidential buildings.

4. Height Requirements. Communication antenna height shall be restricted to 200 feet above grade when located on a communication tower or alternative structure.

5. Alternative Structures. Communication antennas may be placed on alternative tower structures such as clock towers, bell steeples, light poles, water towers, or similar structures.

6. Other Limitations. A communication antenna shall not adversely impact surrounding property; specifically, it shall not have, economic, or safety impact on surrounding public or private property or interfere with transmission or reception.

7. Advertising. No form of advertising or identification, sign or mural is allowed on the antenna other than the customary manufacturer identification plate.

8. All antennas shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district, but may encroach into a required setback up to 2.5 feet and shall meet all applicable building code requirements. Communication antennas mounted on the sides of buildings shall not protrude more than 2.5 feet from the side of the building.

9. No part of an antenna array shall extend beyond any property boundary. Guyed wires shall meet the setbacks of a nonresidential accessory building. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.

10. The attachment to an antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited. This regulation does not include weather devices.

11. Substantial Modification. Substantial modification requires a Conditional Use Permit. Substantial modification of a mobile service support structure, including the mounting of an antenna on such a structure, includes the following:

    a. For structures with an overall height of 200 feet or less, increases the overall height by more than 20 feet.

    b. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

    c. Measured at the width of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

    d. Increases the square footage of the equipment compound by a total of more than 2,500 square feet. The equipment compound is the area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

12. Substantial Modification Exceptions. If a greater height is necessary than the height listed in Section 18-62(3)(b)(11)(a) or (b) to avoid interference with an existing antenna, or if a greater protrusion is necessary than the increase listed in 18-62(3)(b)(11)(c) to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, such activity shall not be considered a substantial modification. Along with the request for such exceptions, proper documentation must be provided from a reliable source that a greater height or protrusion is necessary.

(c) Equipment buildings. Equipment buildings, including cabinets, used in connection with communication antennas will be subject to the following conditions:

1. Whenever wireless telecommunications facilities are established, all related ground mounted equipment buildings shall be considered ancillary to any existing or proposed primary use. Any impact of the equipment buildings shall be made as minimal as possible so as not to detract from the principal use of the property.

2. Except for wiring or similar materials needed to connect antennas with equipment buildinsg or power sources, ground mounted equipment and materials may only be stored in an enclosed building.

3. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible.

4. Any ground mounted equipment building used for accessory equipment must either be screened from view from all abutting residential uses and potentially incompatible municipal uses with a minimum of a 6 foot tall evergreen hedge or other suitable vegetation, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood. Alternative screening materials may be used in nonresidential areas.

5. All ground mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.

6. Increasing the total square footage of the equipment compound area by more than 2,500 quare feet shall require a Conditional Use Permit.

(d) Exceptions. Exceptions to the setbacks and height requirements listed above may be granted by a conditional use permit if appropriate engineering data is submitted showing that failure characteristics of the structure will not adversely impact abutting property and the structure does not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

(e) Application Process: See Section 18-62(4)(n) and (o) for application requirements.

(4) Communication Tower: A communication tower is a freestanding structure (referred to as a mobile service support structure in 66.0404, Wis. Stat.) designed to support a mobile service facility. A mobil service facility includes the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area.

Regulations:

(a) Applicability. All new communication towers in the City of Marshfield shall be subject to these regulations. Preexisting towers are considered grandfathered and this section shall only apply to new towers and the expansion of a preexisting tower.

1. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.

(b) Compliance with Federal Regulations. Communication towers shall be erected and installed in accordance with the state electrical code adopted by reference in Chapter 17 of the Municipal Code., National Electrical Safety Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

(c) Placement Requirements.

1. It is the intention of the city to accommodate expansion of communication technology while minimizing the number of tower sites. New communication towers shall be structurally and electrically designed to meet the requirements of this chapter.

2. All communication towers shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.

3. Communication tower guyed wires shall comply with the required setbacks for a principal structure of the underlying zoning district in which the tower is located.

4. The placement of towers on the roof of existing buildings must maintain a setback that is the same as the building setback required for new buildings and cannot exceed a maximum height of 200 feet above grade. Substantial Modification.

5. Substantial modification requires a Conditional Use Permit. Substantial modification of a mobile service support structure, including the mounting of an antenna on such a structure, includes the following:

   a. For structures with an overall height of 200 feet or less, increases the overall height by more than 20 feet.

   b. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

   c. Measured at the width of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

   d. Increases the square footage of the equipment compound by a total of more than 2,500 square feet. The equipment compound is the area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

6. Substantial Modification Exceptions. If a greater height is necessary than the height listed in Section 18-62(4)(c)(5)(a) or (b) to avoid interference with an existing antenna, or if a greater protrusion is necessary than the increase listed in 18-62(4)(c)(5)(c) to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, such activity shall not be considered a substantial modification.

(d) Equipment buildings. Section 18-62(2)(c) for requirements.

(e) Height Requirements. Communication tower height shall be restricted to 200 feet. District height restrictions shall not apply to l communication towers.

(f) Communication towers shall not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

(g) Collocation. Unless granted an exception through the Conditional Use Permit process, a communication tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for 2 additional users, where the communication towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.

(h) Other Limitations. The communication tower shall not adversely impact surrounding property; specifically, it shall not have, an economic, or safety impact on surrounding public or private property or interfere with transmission or reception.

(i) Advertising. No form of advertising or identification, sign or mural is allowed on the tower other than the customary manufacturer identification plate.

(j) Lighting. Communication towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(k) Fencing. A communication tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area (such as vinyl fences in residential areas or chain link fences with slats in industrial areas).

(l) Abandonment.

1. For all new towers, the applicant shall provide a written agreement stating that if the tower or transmitters are unused for a period exceeding 12 months, the applicant shall remove the

tower or transmitters upon written request from the Zoning Administrator within 60 days of such request.

2. If unused facilities are not removed within 60 days of such notification, the City may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the commission written notice of the cessation of use.

(m) Exceptions. Exceptions to the setbacks and height requirements listed above may be granted by a conditional use permit if appropriate engineering data is submitted showing that failure characteristics of the structure will not adversely impact abutting property and the structure does not encroach into airspace prescribed by FAR part 77 and the most current Marshfield Municipal Airport Height Limitation Zoning Map.

(n) Application Process for siting and construction of any new mobile services support structures and facilities.

1. A building permit is required for the siting and construction of any new mobile service support structure and facilities.

2. A written permit application must be completed by any applicant and submitted to the City. The application must contain the following information:

   a. The name and business address of, and the contact individual for, the applicant.

   b. The location of the proposed or affected support structure.

   c. The location of the proposed mobile service facility.

   d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

   e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

   f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the City upon request to any applicant.

4. If an applicant submits to the City an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the City shall consider the application complete. If the City does not believe that the application is complete, the City shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 90 day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to deny the application, include with the written notification substantial evidence which supports the decision.

6. The City may deny an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Section 18-62(4)(n)(2)(f) above.

7. Fees shall be as stated in the City of Marshfield Fees Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

(o) Application Process for collocation on existing mobile services support structures and facilities.

1. A building permit is required for the siting and construction of any new mobile service support structure and facilities.

2. A written permit application must be completed by any applicant and submitted to the City. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

3. A permit application will be provided by the City upon request to any applicant.

4. Collocation on existing mobile services support structures and facilities is subject to the same requirements for the issuance of a building permit to which any other type of nonresidential development or land use development is subject (Section 15-02 of the Municipal Code).

5. If an applicant submits to the City an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the City shall consider the application complete. If the City does not believe that the application is complete, the City shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

6. Within 45 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 45 day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

7. Fees shall be as stated in the City of Marshfield Fees Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

(5)

(ORD 1240, 11/13/12; Ord 1323, 12/8/15)

Section 18-63: Extraction and Disposal Land Uses

(1) Extraction: Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

Regulations:

(a) The facility shall receive approval from the county prior to action by the City of Marshfield.

(b) The facility shall comply with all county, state, and federal regulations and provide copies of all approved county, state, and federal permits.

(c) The facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property other than permanent open space.

(d) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

(e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the petitioner (subject to approval by the Zoning Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publicly-owned waste disposal facilities).

(f) Minimum required parking: One space per each employee on the largest work shift.

(2) Composting: Land uses devoted to the collection, storage, processing, and/or disposal of vegetation.

Regulations:

(a) Composting facilities shall comply with all county, state, and federal regulations.

(b) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses.

(c) All buildings, structures, and activity areas shall be located a minimum of 50 feet from all lot lines.

(d) No food scraps or other vermin-attracting materials shall be processed, stored, or disposed of on-site.

(e) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.

(f) Minimum required parking: One space for each employee on the largest work shift.

(3) Recycling and Waste Disposal: Recycling facilities not involving the on-site storage of salvage materials. Waste disposal facilities are any facilities and/or areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 289.01(33), but not including Composting operations.

Regulations:

(a) Recycling and Waste Disposal facilities shall comply with all county, state, and federal regulations.

(b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.

(c) All buildings, structures, and activity areas shall be located a minimum of 50 feet from all lot lines.

(d) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.

(e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the petitioner (subject to approval by the City Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for Recycling and Waste Disposal facilities owned by public agencies).

(f) Minimum required parking: One space for each employee on the largest work shift.

(4) Salvage or Junkyard: Land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of unlicensed and/or inoperable vehicles intended for scraping or recycling. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. This shall not include Vehicle Repair.

Regulations:

(a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all roads and lot lines.

(c) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

(d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.

(e) Minimum required parking: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

(5) Sand and Mineral Processing: Land or structure used for processing sand or minerals, extracted onsite or transported to the site, that remove the desired product from the mineral or enhance the characteristics of the sand or mineral.

Regulations:

(a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.

(b) All outdoor storage areas, shall be located a minimum of 50 feet from all roads and lot lines.

(c) In no instance shall activity areas be located within a required bufferyard area.

(d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.

(e) The facility shall comply with all county, state, and federal regulations and be able to provide copies of all approved county, state, and federal permits.

(f) Minimum required parking: One space for every for each employee on the largest work shift.

(ORD 1240, 11/13/12)

Section 18-64: Energy Production Land Uses and Structures

(1) Small Wind Energy Systems: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. A small wind energy system shall not exceed a rated capacity of 60 kW.

Regulations:

(a) Permitted Locations. A small wind energy system is permitted as a conditional use in any zoning district as an accessory structure.

(b) Total Height. For property sizes up to 2 acres, the total height shall not exceed 60 feet. For property sizes between 2 and 5 acres, the total height shall not exceed 100 feet. For property sizes greater than 5 acres, the total height shall not exceed 150 feet.

(c) Location. No small wind energy system shall be located in any provided front or side yard.

(d) Setbacks

1. Property Lines. A small wind energy system shall be set back from the nearest property line, public road right of way and communication and electrical line not less than 1.1 times its total height.

2. Inhabited Structures. A small wind energy system shall be set back from the nearest inhabited building other than the owner's not less than 1.5 times its total height.

(e) Design Standards

1. Monopole or Freestanding Design. The design of the small wind energy system shall be of a monopole or freestanding design without guy wires.

2. Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 100 feet from the tower.

3. Access. No tower shall have a climbing apparatus within 12 feet of the ground. All access doors or access ways to towers and electrical equipment shall be lockable.

4. Noise. No small wind energy system shall exceed 80 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring inhabitable building.

5. Visual Appearance. Small wind energy systems shall be finished in a rust-resistant, nonobtrusive finish and color that is non-reflective. No small wind energy system shall be lighted unless required by the FAA. No advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy system.

6. Electrical Interconnections. All electrical connections shall be underground and comply with all applicable codes; public utility requirements; Chapter PSC 119 "Rules for Interconnecting Distributed Generation Facilities;" PSC Forms 6027 and 6028 "Standard Distributed Generation Application Form;" and PSC Forms 6029 and 6030, "Distributed Generation Interconnection Agreement."

7. Shadowing/Flicker. Wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant impact on neighboring or adjacent uses either through siting or mitigation.

8. Signs. All signs, both temporary and permanent, are prohibited on the wind energy system, except that the manufacturer's identification and appropriate warning signs are allowed.

9. Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

10. Signal Interference. Efforts shall be made to site small wind energy systems to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy system owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy system shall cause permanent and material interference with television or other communication signals.

11. Overspeed Controls. Every small wind energy system shall be equipped with both manual and automatic overspeed controls.

(f) Conditional Use Permit Application Requirements. Conditional use applications for a small wind energy system shall include the following information:

1. Site plan to scale showing the location of the proposed wind energy system and the locations of all existing buildings, structures, public right of ways and property lines along with distances. The extent of the site plan shall include the area included in the minimum setbacks in Subsection (d).

2. Elevations of the site to scale showing the height, design and configuration of the wind energy system and the height and distance to all existing structures, buildings and electrical lines in relation to property lines.

3. Standard drawings and an engineering analysis of the systems tower including weight capacity.

4. A standard foundation design along with soil conditions and specifications for the soil conditions at the site.

5. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system including the name and address of the manufacturer, model and serial number.

6. Emergency and normal shutdown procedures.

7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.

8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator unless the system will not be connected to the electricity grid.

9. A building permit shall be required and if necessary an electrical permit for the installation or modification of a wind energy system. Such system shall be installed and functioning within a period of 12 months from date of building permit issuance otherwise the conditional use permit shall be null and void and the applicant must start over on the conditional use process.

10. Sound level analysis prepared by the wind turbine manufacturer or qualified engineer.

11. Estimated cost to physically remove the wind energy system to comply with surety standards.

12. Evidence of compliance with or non-applicability with Federal Aviation Administration requirements.

13. Liability insurance coverage in the amount of $1,000,000 of which the City of Marshfield shall be the certificate holder.

(g) Abandonment.

1. At such time that a wind energy system is scheduled to be abandoned or discontinued operation, the applicant will notify the Zoning Administrator by certified U.S. mail of the proposed date of abandonment or discontinuance of operation.
2. The owner shall physically remove the wind energy system within 120 days of abandonment or discontinuance of operation. This period may be extended at the request of the owner and the discretion of the Zoning Administrator. Physically remove shall mean: Removal of the wind turbine, tower and related above grade structures and restoration of the location of the wind energy system to its natural condition, except that any landscaping, grading or below grade foundation may remain in the after conditions.
3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out of service for a continuous period of 120 days. After the 120 days of inoperability, the Zoning Administrator may issue a Notice of Abandonment to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from notice receipt date. The Zoning Administrator shall withdraw such notice if the owner provides information that demonstrates the wind energy system has not been abandoned.
4. If the owner fails to respond to the Notice of Abandonment or if after review by the Zoning Administrator it is determined that the wind energy system has been abandoned or discontinued, the owner of the wind energy system shall remove the wind turbine, tower and related above grade structures at the owner's expense within 90 days of receipt of the Notice of Abandonment. If the owner fails to physically remove the wind energy system after the Notice of Abandonment procedure, the City or their designee shall have the authority to enter the subject property and physically remove the wind energy system.
5. The Planning Commission shall have the authority to require the applicant to provide a form of surety (i.e., post a bond, letter of credit or establish an escrow account or by other means) at the time of construction to cover costs associated with the removal in the event the City must remove the wind energy system. The applicant shall submit a fully inclusive estimate of the costs associated with the removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.

(h) Violation. It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this ordinance or with any condition contained in the conditional use site plan review issued pursuant to this ordinance.

(i) Penalties. Any person who fails to comply with any provisions of this ordinance, conditional use permit or building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by this ordinance and Section 1-05 of the City of Marshfield Code of Ordinances.

(j) Waiver Provisions. During the conditional use process, the Common Council may waive any portion of this ordinance in such cases where, in the opinion of the Planning Commission, strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of this ordinance.

(2) Solar Energy System: An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

Regulations:

(a) A valid electrical permit shall be obtained by the applicant prior to installation of any solar energy system.

(b) Roof top solar energy systems:

1. Are permitted by right in all zoning districts.

2. Are limited to the height restriction for principal buildings of the district in which they are located.

(c) Building-mounted solar energy systems:

1. Building-mounted solar energy systems that meet the setbacks for accessory structures are permitted by right in all zoning districts.

2. Building-mounted solar energy systems are limited to 20 feet in height or the height of the principal structure, whichever is greater.

(d) Free standing solar energy systems:

1. Free standing solar energy systems shall comply with the height limits for accessory buildings.

2. Free-standing solar energy systems shall adhere to the following setbacks:

a. Rear Yard: 5 feet

b. Side Yard: 3 feet

c. Front or Side Street Yard: The provided yard or the required setback for the zoning district, whichever is less.

d. Free standing solar energy systems that do not meet the setbacks above shall require a conditional use.

(e) See Article I for specific bulk, density, and intensity requirements for accessory structures in each district.

(f) No person in control of property shall allow a tree or shrub to be placed or grow so as to cast a shadow between the hours of 9:00 a.m. and 3:00 p.m. Central Daylight Saving Time, upon a solar collector energy system capable of generating more than 1,000,000 British thermal units per year, and which supplies a part of the energy requirements for improvements on the property where the solar energy system is permanently located. The provisions of this Subsection shall not require the removal of existing vegetation.

(ORD 1240, 11/13/12)

Section 18-65: Accessory Land Uses and Structures

(1) Minor Home Occupation: Economic activities performed within a residence. Examples include personal and professional services. Minor Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a Conditional Use Permit or rezoning from a residential to a business district. Minor Home Occupations are limited to low intensity service-oriented businesses and businesses with a minimal number of short customer visits.

Regulations:

(a) The Minor Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.

(b) There shall be no exterior evidence of the Minor Home Occupation, no exterior alterations which change the character of the structure as a single family dwelling unit, and no signage identifying the Home Occupation.

(c) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Home Occupation.

(d) Except for one vehicle and one trailer, no storage or display of materials, goods, supplies, or equipment related to the operation of the Minor Home Occupation shall be visible outside any structure located on the premises.

(e) Minor Home Occupations shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

(f) Minor Home Occupations may occupy no more than 10 percent of the floor area of the dwelling unit.

(g) Detached accessory buildings may only be used for storage and are not counted against the 10 percent allowance.

(h) Minor Home Occupations shall be carried out only by members of the immediate family residing on the premises.

(i) No structural alterations or construction involving features not customarily found in dwellings are allowed.

(j) Minor Home Occupations shall not involve manufacturing, processing, gunsmithing, the repair or dismantling of appliances, vehicles, or motors or construction of equipment and machinery.

(k) No Minor Home Occupation shall endanger the public health and safety and shall not interfere with other parcels in the neighborhood.

(l) No article may be sold or offered for sale on the premises; samples and goods may be kept, but not sold on the premises. Internet sales and private home or personal item events (such as Tupperware, Mary Kay, or similar events) are permitted and are not be considered a Home Occupation.

(m) Minimum required parking: No additional spaces required for Minor Home Occupations.

(2) Conditional Home Occupation: Conditional Home Occupations are intended to provide greater flexibility than Minor Home Occupations in terms of number of employees, number of customer visits, and allowable occupations. For example, retail trade may be conducted in a Conditional Home Occupation, whereas Minor Home Occupations are limited to service-oriented businesses and businesses that do not generate customer visits.

Regulations:

(a) The Conditional Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.

(b) There shall be no exterior alterations which change the character of the structure as a single family dwelling unit and/or exterior evidence of the Conditional Home Occupation, other than those signs permitted in the district.

(c) Except for one vehicle and one trailer, no storage or display of materials, goods, supplies, or equipment related to the operation of the Conditional Home Occupation shall be visible outside any structure located on the premises.

(d) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Conditional Home Occupation.

(e) The Plan Commission may grant exceptions to any of the above requirements (a) through (e).

(f) Conditional Home Occupations may occupy no more than 50 percent of the floor area of the dwelling unit including the garage.

(g) Conditional Home Occupation dwellings are limited to be a maximum of 3,000 square feet including the basement.

(h) Conditional Home Occupations may employ one employee not residing at the home.

(i) Under no circumstances shall a vehicle repair shop or body work business qualify as a Conditional Home Occupation.

(j) No Conditional Home Occupation shall endanger the public health and safety and shall not interfere with other parcels in the neighborhood.

(k) Minimum required parking shall be reviewed at the time of conditional use permit review.

(l) Conditional Home Occupations must be reviewed by the Building Inspector and shall meet Wisconsin Commercial Building Code requirements.

(m) Sale or transfer of the property shall cause the conditional use permit to be null and void.

(3) In-Home Daycare: Occupied residences in which a qualified person or persons provide childcare for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter. State Law Reference: Section 66.1017(1)(a), Wisconsin Statutes.

(3) In-Family Suite: An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external stairs serving as the primary access to the In-Family Suite are prohibited.

Regulations:

(a) In-Family Suites may not be occupied by a non-family member.

(b) In-Family Suites should be considered and regulated as part of a single family dwelling unit.

(c) The principal dwelling unit and the In-Family Suite shall together appear as a single family dwelling.

(d) A separate walled garage area or driveway is not permitted.

(e) A separate address for the In-Family Suite is not permitted.

(f) A separate utility connection or meters are not permitted.

(g) A physical all-weather connection between the main living area and the In-Family Suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the In-Family Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Family Suite.

(h) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as "not a separate dwelling unit or apartment," and a signed letter from the applicant stating agreement with this condition shall be filed.

(4) Accessory Dwelling Unit: Residential dwelling unit located on the same lot as a single family dwelling unit, either in the same building as the single family dwelling unit or in a detached building.

Regulations:

(a) The number of occupants of the Accessory Dwelling Unit shall not exceed one family plus one roomer or 2 unrelated individuals.

(b) Additional entrances shall not be added to the front elevation of an existing building, but may be added to side or rear or street side elevations.

(c) Accessory Dwelling Units shall adhere to the setback requirements and standards for the underlying zoning district.

(d) Accessory Dwelling Unit entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.

(e) For Accessory Dwelling Units located on the same lot as a single family dwelling unit, the following additional regulations shall apply:

1. Principal building must be owner-occupied.

2. The Accessory Dwelling Unit shall not be sold separately from the principal dwelling.

3. The maximum size of an Accessory Dwelling Unit shall not exceed 75 percent of the principal dwelling's floor area, up to a maximum size of 700 square feet.

4. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single family dwelling.
5. The exterior finish material must match in type, size and placement, the exterior finish material of the principal dwelling unit.
6. The roof pitch must match the predominant roof pitch of the principal dwelling unit or structure.
7. Trim must match the trim used on the principal dwelling unit.
8. Projecting eaves must match those of the principal dwelling unit or structure.
9. Windows must match those in the principal dwelling unit in both proportion (relationship of width to height) and orientation (horizontal or vertical).

(5) Farm Residence: A Farm Residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 18-56.

(6) Migrant Employee Housing: Migrant Employee Housing include any facility subject to the regulation of Wisconsin Statutes, Section 103.90(3)(a).

Regulations:

(a) Migrant Employee Housing shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property lines abutting all properties in residential, office, or business zoning districts.

(b) Migrant Employee Housing shall be an accessory use to an active principal land use and under the same ownership.

(7) Residential Accessory Building: Structures primarily used to shelter parked passenger vehicles (including garages and carports) or to store residential maintenance equipment of the subject property (such as a shed).

Regulations:

(a) Up to three residential accessory buildings (attached and detached) shall be permitted by right for each dwelling unit for single family uses and two residential accessory buildings (attached and detached) shall be permitted by right for each dwelling unit for multifamily uses.

(b) The accessory building area shall not exceed the ground floor area of the principal building used for residence. Split-level homes and multi-story homes may include the living space above the garage when calculating the ground floor area.

(c) Residential Accessory Buildings up to 1,200 square feet of gross ground floor area are permitted by right for single family dwellings.

(d) Residential Accessory Buildings up to 900 square feet of gross ground floor area per unit are permitted by right for buildings with two dwelling units or greater.

(e) The measurement of accessory building size shall include the total of all detached or attached accessory buildings on the lot. Portions of an attached garage not used for storage, but physically separated from the rest of the garage are not counted towards the accessory building space such as a workshop or basement access. Accessory uses and structures listed in Section 18-65(10)–(19) are not counted towards the 1,200 or 900 square foot allowance.

(f) No accessory use, building, or structure shall be constructed prior to the construction of the principal structure, except for an accessory structure when abutting a residential lot under the same ownership that contains the principal building.

(g) See Article II for accessory building maximum building heights and district setbacks.

(h) A conditional use permit is required for exceptions to any of the above regulations.

(i) Separation from principal dwelling units. Detached accessory buildings shall be located a minimum of 6 feet from a residential dwelling unit on the same lot, except where the structure

will be constructed to fire-rating standards of the Uniform Dwelling Code. If the fire-rating standard is met, an accessory building may be located closer than 6 feet and still be considered detached. Minor attachments may be located in the required separation area and do not render the structures attached for setback purposes.

(j) Garage setbacks on corner lots.

1. For lots 50 feet wide and less, the street side setback of a garage may be reduced to no less than 17 feet.
2. For lots more than 50 feet wide, the street side setback of a garage may be reduced to no less than 20 feet.

(k) Detached accessory building setback.

1. Front yards.
   a. Detached accessory buildings must comply with either the required front yard setbacks, or the setback of the existing façade facing the front yard street, whichever is more permissive. On an interior lot, the minimum front yard setback for a detached garage is 20 feet.
   b. Accessory buildings shall not be located directly between the principal building and the street in the front yard.
2. Street side yards.
   a. Detached accessory buildings must comply with either the required street side yard~~s~~ setbacks, or the setback of the existing façade facing the street side yard street, whichever is more permissive. Garages on corner lots must comply with subsection (j) above.
3. Side yards.
   a. All detached accessory buildings shall be set back at least 3 feet from all side yard property lot lines.
4. Rear yards.
   a. All detached accessory buildings shall be setback at least 5 feet from all rear yard property lines unless greater setbacks are required in other sections of this Chapter.
   b. For rear yards on a double frontage lot, detached accessory buildings shall be setback from the right-of-way, a minimum of 20 feet or the average, per the requirements Section 18-72, whichever is more permissive.
   c. Detached garages that have direct street access from the rear yard must have a minimum setback of 20 feet.
5. In those instances where the rear or side lot line is coterminous with an alley right-of-way, the Minimum Garage Setback to Alley requirements of the district shall apply.
6. An accessory structure existing at the time of adoption of this Chapter may be reconstructed on the same footprint regardless of setback.

(l) Accessory buildings attached to principal buildings. When an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this chapter applicable to principal buildings except where encroachments are specifically allowed elsewhere in this chapter.

(8) Nonresidential Accessory Building: Buildings primarily used to shelter business vehicles or to store maintenance equipment of the subject property. Accessory buildings and uses for public facilities are exempt from the regulations listed below.

Regulations:

(a) Three total buildings shall be permitted by right for all nonresidential uses except for City parks and property located in an industrial zoned district.

(b) No accessory use, building, or structure shall be constructed prior to the construction of the principal structure, except for an accessory structure when abutting a lot under the same ownership that contains the principal building. City parks are exempt from this requirement.

(c) See Article II for maximum accessory building heights and district setbacks.

(d) A conditional use permit is required for exceptions to any of the above regulations.

(e) Garage setbacks on corner lots.

1. For lots 50 feet wide and less, the street side setback of a garage may be reduced to no less than 17 feet.

2. For lots more than 50 feet wide, the street side setback of a garage may be reduced to no less than 20 feet.

3. For lots more than 50 feet wide, the average setback of the 4, or fewer, nearest buildings may be used to determine the street side setback of a garage, but in no case shall the reduced setback be less than 20 feet.

(f) Detached accessory building setback.

1. Front yards.

   a. Detached accessory buildings must comply with either the required front yard setbacks or the setback of the existing façade facing the front yard street, whichever is more permissive. On an interior lot, the minimum front yard setback for a detached garage is 20 feet.

   b. Accessory buildings shall not be located directly between the principal building and the street in the front yard.

2. Street side yards

   a. Detached accessory buildings must comply with either the required street side yard setbacks, or the setback of the existing façade facing the street side yard street, whichever is more permissive. Garages on corner lots must comply with subsection (c) above.

3. Side yards

   a. All detached accessory buildings shall be set back a minimum of 3 feet from all side yard property lot lines.

4. Rear yards

   a. All detached accessory buildings shall be setback at least 5 feet from all rear yard property lines unless greater setbacks are required in other sections of this Chapter.

   b. For rear yards on a double frontage lot, detached accessory building shall be setback from the right-of-way, a minimum of 20 feet or the average, per the requirements Section 18-72, whichever is more permissive.

   c. Detached garages that have direct access from the rear yard must have a minimum setback of 20 feet.

5. In those instances where the rear or side lot line is coterminous with an alley right-of-way, the Minimum Garage Setback to Alley requirements of the district shall apply.

6. An accessory structure existing at the time of adoption of this Chapter may be reconstructed on the same footprint regardless of setback.

(g) Accessory buildings attached to principal buildings. When an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this chapter applicable to principal buildings except where encroachments are specifically allowed elsewhere in this chapter.

(9) Recreational Facility: This land use includes all active outdoor recreational facilities. Common examples include swing sets, tree houses, play houses, basketball courts, tennis courts, swimming pools, recreation-type equipment, pavilions, and other recreational facilities in public parks.

Regulations:

(a) All private recreation facilities and their attendant structures shall comply with the bulk requirements for accessory buildings.

(b) Materials and lighting at said property line are to be equal to or less than 0.5 footcandles (see Section 18-104).

(c) Swimming pools shall be regulated by the performance standards provided in Section 18-107.

(10) Deck: A structure that has no roof or walls and is considered part of a building or structure. Setbacks shall be measured from the post of the deck.

Regulations:

(a) Decks that exceed 18 inches in height from grade and are attached to the principal structure are subject to the setback regulations for the principal structure.

(b) Decks and those lower than 18 inches above grade are subject to the setback regulations of a detached accessory building unless otherwise allowed by other sections of this Chapter (i.e. encroachments into the required setbacks).

(11) Landscape Feature: This land use includes features such as little libraries, ponds, gazebos, pergolas, patios, retaining walls, and other manmade lawn and landscaping elements.

Regulations:

(a) All Landscape Features shall be setback a minimum of 3 feet from the property line, except retaining walls, which may be located up to the property line.

(12) Residential Kennel: An enclosed structure designed for the keeping of dogs and/or cats that is accessory to a residential use.

Regulations:

(a) Outdoor containments for dogs and/or cats shall be subject to the setback requirements for accessory buildings for the district in which they are located.

(13) Residential Stable: An accessory building that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire.

Regulations:

(a) Outdoor containments for equines shall be located a minimum of 25 feet from any residentially zoned property.

(b) A minimum lot area of 175,000 square feet (4 acres) is required for a private residential stable.

(c) A maximum of one horse per 2 acres of fully enclosed (by fencing and/or structures) area is permitted.

(d) The minimum permitted size of horse or similar animal stall shall be 100 square feet.

(14) Outdoor Wood Boiler: An outdoor accessory structure designed to heat air or liquid through a wood fire and then transmit that heated air or water to the principal building for direct use and/or heating the principal building.

Regulations:

(a) The outdoor wood boiler shall be set back from all property lines and roads a distance equal to the minimum required yards for principal buildings.

(b) The outdoor wood boiler shall be separated by at least 200 feet from any dwelling unit on an abutting property.

(15) On-Site Parking: On-Site Parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed, and operable.

Regulations:

(a) Access and vehicular circulation shall be designed to discourage cut-through traffic.

(16) Company Cafeteria: A food service operation which provides food only to company employees and their guests.

Regulations:

(a) Company Cafeterias shall meet state food service requirements.

(b) Company Cafeterias shall be located on the same property as a principal land use engaged in an operation other than food service.

(17) Onsite Ancillary Use: Uses incidental to the principal uses, including the sale and display of merchandise or equipment outside of an enclosed building, indoor sales, concession stands, and light industrial activities.

Regulations:

(a) Ancillary uses shall not exceed 25 percent of gross floor area of principal building(s) on the site.

(b) Ancillary uses may be in detached structures when part of a group development or public park.

(c) Onsite Ancillary Uses in Residentially zoned districts. All onsite ancillary uses shall be permitted in residentially zoned districts only if the principal use of the property is multifamily or institutional and when the use is intended for those already on the premises.

1. Common examples for multifamily include indoor or outdoor gather spaces and on-site recreation facilities.

2. Common examples for institutional uses include concession stands, small indoor sales, and personal service space in parks, schools, churches, large community living arrangements, and similar institutional uses.

(ORD 1240, 11/13/12. ORD 1276 4/22/14; ORD 1281 7/8/2014; ORD 1311, 8/11/15)

Section 18-66: Temporary Uses

All of the following temporary uses shall comply with Section 18-162, standards and procedures applicable to all temporary uses, except as otherwise exempted in this Chapter.

(1) Temporary Farm Product Sales: This land use includes the temporary outdoor display and sales of farm products, typically from a roadside stand.

Regulations:

(a) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(b) If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.

(c) Adequate parking shall be provided.

(2) Temporary Outdoor Sales: Includes the display of any items outside the confines of a building, which is not otherwise permitted as a permitted or conditional use, or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, fireworks sales, and outdoor food vendors for 30 days or less.

Regulations:

(a) Temporary outdoor sales shall be limited to 30 days (beyond 30 days the land use is an Outdoor Display or Outdoor Commercial Entertainment for outdoor food vendors).

(3) Temporary Outdoor Assembly: Includes any organized temporary outdoor assembly such as outdoor weddings, wedding receptions, tent meetings, or public gatherings.

Regulations:

(a) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(b) If subject property is abuts a residentially zoned property, activities shall cease at 10:00 p.m. unless a noise variance is granted by the Common Council.

(c) Adequate provisions for crowd control shall be made, and shall be described within the temporary use application.

(d) Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the temporary use application.

(e) Any temporary structures used in association with this use shall be removed within 48 hours after the event.

(4) Temporary Shelter Structure: These structures are typically supported by poles, have a fabric or plastic roof and/or sides, do not have a foundation, and do not comply with Chapter 15 Buildings and Building Regulations of the City of Marshfield Code of Ordinances. Such structures are often advertised for the outdoor storage of vehicles and other personal property. Such structures do not include camping tents, temporary gazebos, permanent Residential Accessory Buildings (including car ports, sheds, and garages), and temporary structures associated with permitted Temporary Outdoor Assembly.

Regulations:

(a) One Temporary Shelter Structure may be permitted per lot.

(b) Temporary Shelter Structures shall meet the required setbacks for a Residential Accessory Building.

(c) Temporary Shelter Structures are not permitted to be up for more than 180 days in a calendar year.

(d) Structures over 100 square feet in area require a land use permit.

(e) Existing temporary shelter structures are hereby amortized for a period not to exceed ten years from date of the passage of this ordinance. Any new structures shall comply with the above requirements.

(5) Temporary Storage Container: These containers are portable storage containers designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property.

Regulations:

(a) The container shall not exceed outside dimensions of 16 feet in length, 8 feet in width, and 9 feet in height.

(b) The container shall be permitted on the property for up to 14 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.

(c) The container cannot encroach on the public right of way, neighboring property, sidewalk, or be placed in the street.

(d) The container must be placed on asphalt, concrete, gravel, or other hard-paved surface.

(6) Temporary On-Site Construction Storage: Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Regulations:

(a) The structure shall be removed within 10 days of issuance of occupancy permit.

(b) Projects requiring the structure to be in place for more than 365 days shall require a conditional use permit.

(c) The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

(7) Temporary Contractor's Project Office. Includes any structure containing an on-site construction management office for an active construction project.

Regulations:

(a) The structure shall be removed within 10 days of issuance of occupancy permit.

(b) Shall not be used for sales activity.

(c) Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.

(8) Temporary On-Site Real Estate Sales Office. Includes any building which serves as an on-site sales office for a development project.

Regulations:

(a) The structure shall not exceed 5,000 square feet in Gross Floor Area.

(b) The structure shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.

(c) Projects requiring land use to be in place for more than 365 days shall require a conditional use permit.

(9) Temporary Relocatable Building: Includes any manufactured building which serves as a temporary building for less than 6 months.

Regulations:

(a) Facilities serving for more than 12 months shall be considered conditional uses and are subject to the general standards and procedures presented in Section 18-161.

(b) The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

(10) Garage or Estate Sale (Auction). Garage or Estate Sales include the sale or offering for sale of miscellaneous used items commonly associated with residential use.

Regulations:

(a) Permits are not required for Garage or Estate Sales.

(b) Sales shall occur only during daylight hours.

(c) No sale shall exceed 4 consecutive days in duration.

(d) Not more than 4 sales shall be held within one calendar year.

(11) Farmer's Market. Farmer's Markets include the temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot or public right of way.

Regulations:

(a) Facility shall have vehicular access to a collector or higher classification street.

(b) Minimum required parking: One space per vendor, plus adequate parking to accommodate customer traffic.

(ORD 1240, 11/13/12; 1289 11/11/14)

Sections 18-67 to 18-69: Reserved

ARTICLE IV: BULK AND DENSITY REGULATIONS

Section 18-70: Purpose

This Article regulates the location and bulk of buildings and other structures in order to protect the public health, safety, and general welfare and to enhance the desired community character of the City of Marshfield.

(ORD 1240, 11/13/12)

Section 18-71: Bulk and Density Standards

(1) All developments shall comply with the standards listed for each zoning district in Article II, except as noted in this chapter.

(2) The conversion of any accessory building into a dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter.

(3) Additions or conversions of any accessory building into a dwelling shall comply with the requirements governing new construction in such district, including minimum lot size, lot area per dwelling unit, building of lot coverage, dimensions of yards and other open spaces, and off-street parking.

(ORD 1240, 11/13/12)

Section 18-72: Yard Setback Adjustments

(1) Lot size and minimum yard dimensions. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.

(2) Front Yard or Street Side Setback Adjustments.

(a) A front yard and street side yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on either or both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 18-72):

1. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used. Properties separated by a cross street may be used in the average calculation.
2. Where a lot is vacant, the minimum setback of the zoning district will be applied to the vacant lot and factored into the averaging calculation.
3. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.
4. In residential districts, the depth of the minimum front yard and side street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65(8)(i) are met.

(3) Side and Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail.

(4) Major Street Setback Adjustments. A special major street setback of 50 feet shall be required along existing and proposed primary and minor arterial streets shown in the National Functional Classification map of the Comprehensive Plan.

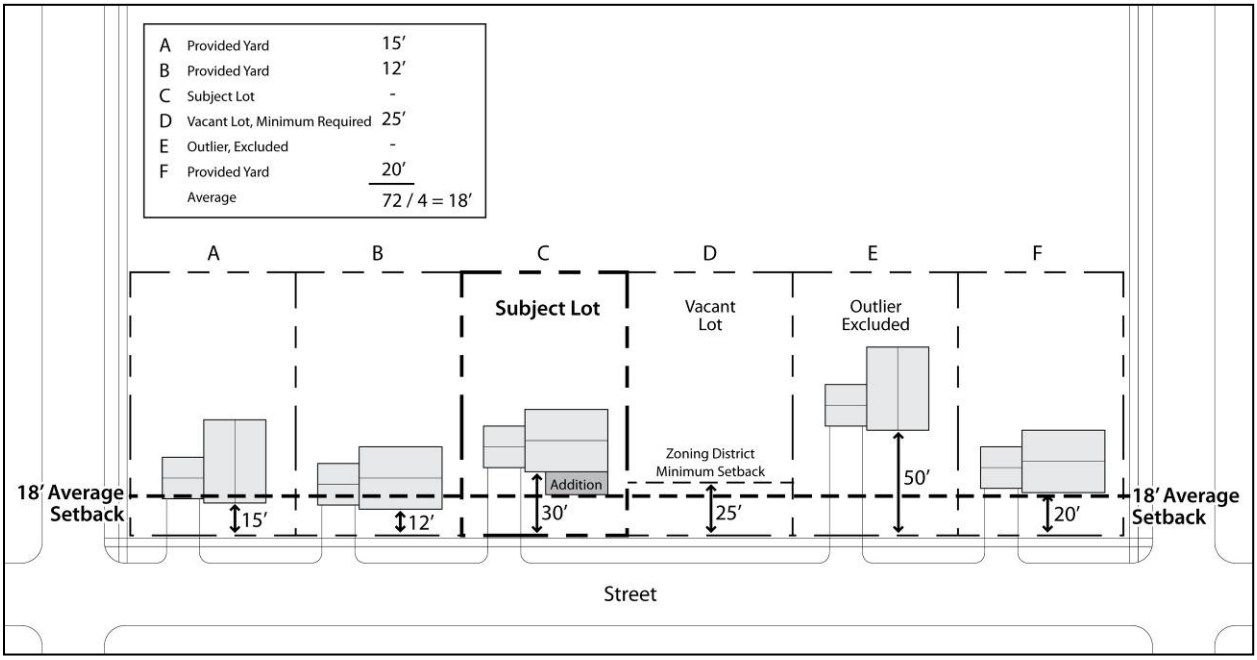
(a) For existing streets, the setback shall be measured from the right of way line. For proposed streets, the setback shall be added to one-half the proposed right of way width and measured from the anticipated street centerline.

(b) The special setback shall not apply in the DMU district.

(c) A front yard and street side yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on either or both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 18-72):

1. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used. Properties separated by a cross street may be used in the average calculation.

2. Where a lot is vacant, the minimum setback of the zoning district will be applied to the



vacant lot and factored into the averaging calculation.

3. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.

4. In residential districts, the depth of the minimum front yard and side street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65(8)(i) are met.

Figure 18-72

(ORD 1240, 11/13/12, Ord No. 1310, 8/11/15)

Section 18-73: Intrusions into Required Yards

The minimum setback requirements of each zoning district shall establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

(1) All Street Side or Front Yard Setback Areas. With the exception of fences and Subsections (2) through (4) below, no residential and nonresidential accessory buildings shall be permitted within any portion of a street side yard or front yard, except where there is a shore yard. In instances where there is a

shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory buildings may be located between a principal building and a street frontage on the same lot.

(2) Permitted Intrusions Into Required Front, Street Side, Side, Rear, and Corner Yards.

(a) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, bay windows, overhangs, and gutters, provided they do not extend more than 2 ½ feet into the required yard.

(b) Entry platforms, provided they do not extend more than 5 feet by 5 feet, provided that such landings shall not extend above the entrance floor of the building and canopies provided they don't extend beyond 5 feet. Existing porches, decks, entry platforms, and landings used for required building exit may be replaced at the existing footprint when the size is not enlarged.

(c) Steps and stairs provided that such stairs and landings shall not extend above the entrance floor of the building and there is adequate onsite landing space for the base of the stairs.

(d) Handicapped accessible ramps. Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in the required front, side, or rear yard setbacks provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code for accessible ramps and that no other location is feasible outside the required setbacks.

(e) Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 18-104 and provided they do not encroach on the right of way.

(f) Uncovered porches, decks, or similar appurtenances to residential buildings which do not extend above the floor level of the building entrance, provided they do not extend 8 feet beyond the existing façade of the home, but shall not be nearer than 5 feet from any lot line. Such structures may not encroach into the vision triangle unless approved by the City Engineer.

(g) Attached terraces, uncovered porches, decks, or similar appurtenances to residential buildings that do not extend more than 18 inches above grade, provided they do not locate closer than 8 feet to the rear lot line, 3 feet from the side lot line, or 5 feet from the front or street side lot line. Detached decks that do not exceed 18 inches above grade shall meet the required setbacks for a detached accessory structure.

(h) Additions (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, decks, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever more permissive. If the addition is a garage or garage addition, the minimum setback when facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65 (8)(i) are met. In no instance shall any new encroachment be within 5 feet of an adjacent structure or 3 feet of a property line unless approved by the Building Inspector to have adequate fire protection. See Figure 18-73.

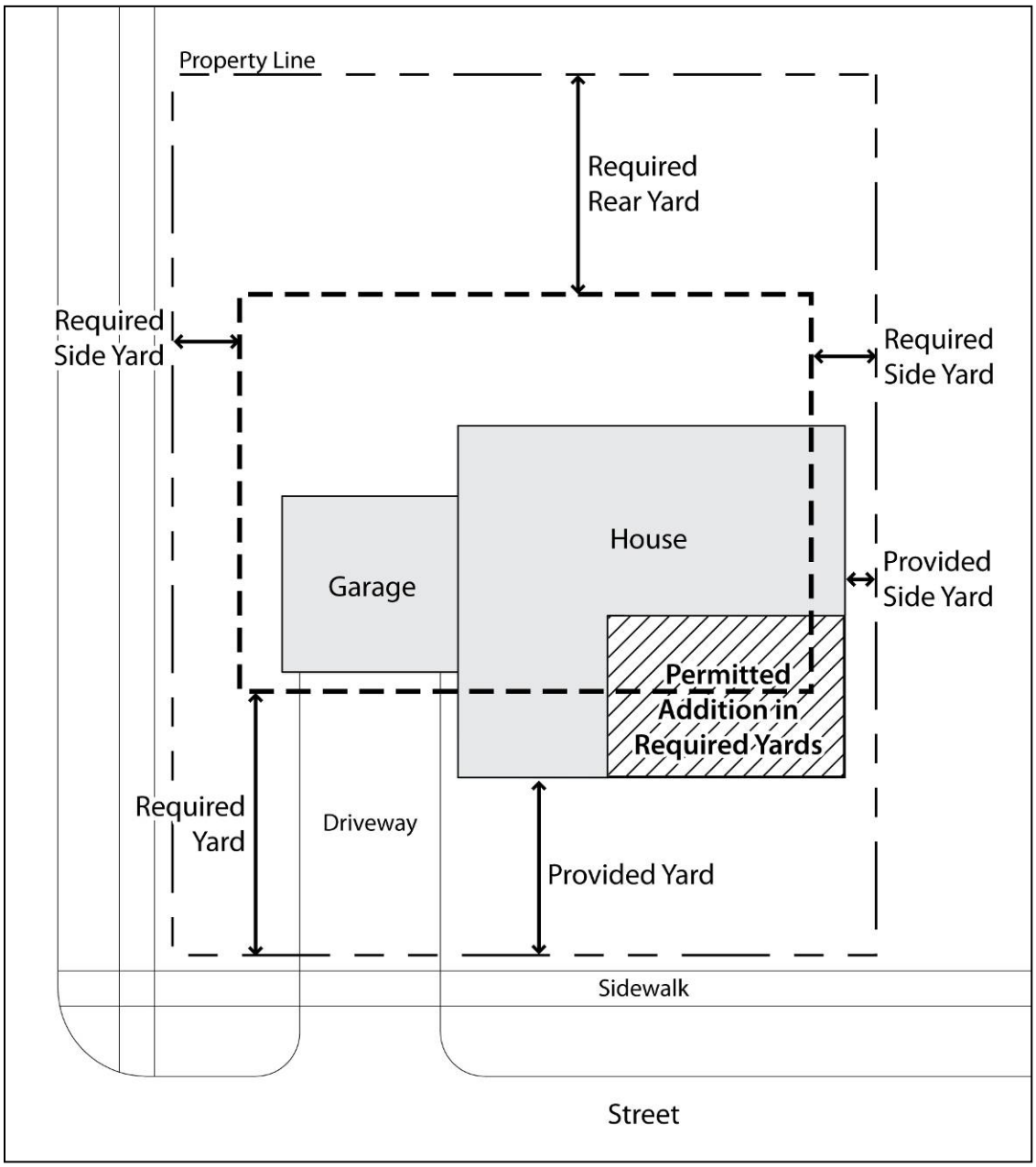
(i) Fences meeting the requirements of Section 18-106.

(j) Fire escapes required by the Building Inspector which do not extend more than 4 feet into the required yard.

(k) Accessory buildings and structures meeting the requirements of Section 18-65(8)(g) or 18-65(9)(e).

(l) Any other provisions identified elsewhere in this Chapter (landscape features, tents, and other features where specific setbacks are established).

Figure 18-73



(ORD 1240, 11/13/12)

Section 18-74: Exceptions to Maximum Height Regulations

The maximum height regulations listed for residential and nonresidential uses and accessory buildings in each zoning district in Article II are the maximum permitted heights for all buildings and structures, except those exempted by this Section except as prohibited by the Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin.

(1) The following are permitted to exceed the maximum height regulations within any district where permitted: spires, belfries, cupolas, penthouses and domes, not used for human occupancy; public monuments, water towers, fire and hose towers, flag poles, chimneys, ventilators, skylights, similar features, and necessary mechanical appurtenances usually carried above roof level.

(2) The provisions of this chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin state building code.

(3) Height extensions for certain public buildings and institutions. Public and semi-public hospitals, institutions, schools, or public utility and service buildings, when permitted in a residential district, may be erected to a height not exceeding 75 feet, provided such specified buildings shall be set back from the front, rear and side lot lines on the ratio of 2 feet for every one foot of building height greater than 40 feet. Such specified requirements, however, shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this chapter.

(4) The Plan Commission may grant exceptions to the height limitations for any building or structure not otherwise accounted for in this section or may set the maximum height of a structure on an individual lot as a conditional use and may set special requirements as part of the approval under the terms and conditions of this chapter. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin state building code.

Sections 18-75 to 18-79: Reserved

ARTICLE V: NONCONFORMING SITUATIONS

Section 18-80: Purpose

The purpose of this Article is to establish regulations for the following nonconforming situations: nonconforming uses, substandard lots, nonconforming structures, and nonconforming sites created legally prior to the effective date of this Chapter (January 1, 2013).

(ORD 1240, 11/13/12)

Section 18-81: Nonconforming Uses

(1) The following section shall apply to all uses in the City except in the following circumstances:

- (a) The use did not legally exist at the time of adoption.
- (b) The use is subject to legal proceedings.
- (c) The use is subject to a court order to the contrary of this Section.

(2) Continuance of a Nonconforming Use.

- (a) Any nonconforming use lawfully existing upon the effective date of this Chapter, or any amendment to it, may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.
- (b) A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Chapter, shall be considered a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration under the requirements of Section 18-161.
- (c) Any prior legal use made nonconforming by this Chapter, or by an amendment to it, may be granted legal conforming status and allowed to be extended, enlarged, reconstructed, or substituted by the issuance of a conditional use permit, subject to the standards and procedures prescribed by Section 18-161.

(3) Modification of a Nonconforming Use.

- (a) Except as permitted in Subsection (c), below, or Subsection (2)(c), above, a nonconforming use shall not be expanded, enlarged, extended, or reconstructed, unless the use is changed to a use permitted in the district in which the use is located.
- (b) Substitution of new equipment shall be permitted.
- (c) A nonconforming nonresidential use not served by public sanitary sewer and/or public water may be permitted to expand without being served by public sanitary sewer and/or public water if either or both facilities are not available within 1,000 feet of the subject property and a conditional use permit is granted for such expansion.

(4) Discontinuance of a Nonconforming Use. When any nonconforming use of any land, building, or structure is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said land, building, or structure shall be in complete conformity with the provisions of this Chapter.

(5) Maintenance and Repair of a Nonconforming Use.

- (a) The ordinary maintenance and repair of a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter.
- (b) Except as otherwise provided in this Section, whenever a nonconforming use is damaged to the extent of more than 50 percent of its current equalized assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located.

(ORD 1240, 11/13/12)

Section 18-82: Nonconforming and Substandard Lots

(1) The following section shall apply to all lots in the City except in the following circumstances:

- (a) The lot did not legally exist as of the effective date of this Chapter
- (b) The lot is subject to legal proceedings.
- (c) The lot is subject to a court order to the contrary of this Section.

(2) Blanket Conforming Status.

- (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
- (b) After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district per Article II.

(3) A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized for new or modified development, provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.

(4) Abutting vacant substandard lots under the same ownership must be combined prior to development per Section 18-168.

(5) A lot of record existing upon the effective date of this Chapter in the RH-35 zoning district which is less than 35 acres in area and which has no dwelling units may be utilized for one detached single family dwelling unit.

(6) Except for outlots that received variances prior to the effective date of this Chapter, this section shall not apply to outlots without access to a public right of way that existed prior to the effective date of this Chapter since they are not intended for development.

(ORD 1240, 11/13/12)

Section 18-83: Nonconforming Structures

(1) The following section shall apply to all structures in the City except in the following circumstances:

- (a) The structure did not legally exist at the time of adoption.
- (b) The structure is subject to legal proceedings.
- (c) The structure is subject to a court order to the contrary of this Section.
- (d) Chapter 20 Shorelands-Wetlands of the City of Marshfield Code of Ordinances shall control in case of a conflict.

(2) Blanket Conforming Status.

- (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon the effective date of this Chapter. After the effective date of this Chapter except where permitted in Sec. 18-73, structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Zoning Board of Appeals under Section 18-165.

(b) This Subsection is intended to eliminate the continued classification and/or creation of structures as nonconforming subject to the requirements of this Chapter. This provision addresses 2 different situations.

1. Any structure erected prior to the adoption of zoning that does not meet some or all of the bulk or intensity requirements of this Chapter.

2. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous zoning ordinance do not meet.

(c) This Section therefore ensures that owners of such structures legally established prior to the effective date of this Chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.

(3) The following shall apply to all structures that do not meet bulk and other requirements of this Chapter.

(a) Ordinary Maintenance. Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a structure are permitted, as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, and other non-structural components.

(b) Interior Alterations.

1. Interior structural alterations may be made, provided such alterations do not increase the number of dwelling units. A conforming garage may be added if none previously existed.

(c) Additions. Additions, expansions, and enlargements may be added . However, after the effective date of this Chapter, such additions must meet the requirements of this Chapter unless a variance is granted under Section 18-165.

(d) Destruction and Reconstruction.

1. A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either 1. or 2., below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.

a. The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. 62.23(7) on or after March 2, 2006.

b. The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.

(e) Intentional Removal and Replacement.

1. If 50 percent or more of the total floor area of a structure is intentionally removed by the property owner, the replacement structure must meet the requirements of this Chapter unless a variance is granted under Section 18-165.

2. If less than 50 percent of the total floor area of a structure is intentionally removed by the property owner, it may be restored to the previous footprint and floor area.

3. Existing garages, decks, and porches may be replaced in their entirety to the previous footprint and floor area.

(f) Unsafe Structures. Nothing in this Chapter shall preclude the building inspector or any other City official from initiating remedial or enforcement actions when any structure is declared unsafe or presents a danger the public health, safety, or welfare.

(4) Timing of Building Permit. Any structure for which a building permit has been lawfully granted prior to the effective date of this Chapter, or an amendment to it, which will become nonconforming under the provisions of this Chapter or that amendment thereto, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit for single and two family construction and within 365 calendar days after issuance of a permit for all other development, and construction is completed within 730 calendar days (2 years) after the start of construction. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.

(ORD 1240, 11/13/12)

Section 18-84: Nonconforming Sites

(1) Blanket Conforming Status.

(a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of the effective date of this Chapter.

(b) After the effective date of this Chapter, additional site development that would result in the enlargement, expansion, or extension of uses or structures will not be allowed to occur without bringing the enlargement into full compliance with the provisions of this Chapter, or to the extent practical without removal of lawful structures in accordance with the following Subsections (c) through (f), below.

(c) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter. These building and site design components may include one or more of the following:

1. Bulk, intensity, and density requirements.

2. Exterior building materials requirements.

3. Exterior building design requirements.

4. Parking, loading, access drive and other paved area design requirements.

5. Landscaping requirements.

6. Bufferyard requirements.

7. Fencing requirements.

8. Lighting requirements.

(d) This Subsection ensures that sites approved prior to the effective date of this Chapter do not encounter difficulty because they would otherwise be considered nonconforming.

(2) All new buildings, structures, and parking areas, including additions, shall comply with all site design requirements of this Chapter for the new portion of the development. See Section 18-133 for specific regulations for addressing street frontage landscaping.

(3) On lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, no enlargement, expansion, or extension of a use, structure, or paving shall be permitted if it makes compliance with the site design requirements of this Chapter impossible, even if said enlargement, expansion, or extension of the use, structure, or paving would otherwise be permissible.

(4) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to

reduce the degree of one or more nonconformities, the Plan Commission shall make a determination as to the manner and degree to which each site nonconformities shall be brought into conformance.

(5) Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 18-165.

(ORD 1240, 11/13/12)

Sections 18-85 to 18-89: Reserved

ARTICLE VI: OVERLAY ZONING DISTRICTS

Section 18-90: Purpose

The purpose of this Article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Article II of this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district.

(ORD 1240, 11/13/12)

Section 18-91: Overlay Zoning Districts

For the purpose of this Chapter, the following overlay zoning districts are hereby established.

(a) Airport Overlay

(b) Wellhead Protection Overlay

(c) Shoreland Zoning Overlay

(d) See also Chapter 20 Shorelands-Wetland Zoning and Chapter 26 Floodplain Zoning in the City of Marshfield Code of Ordinances.

(ORD 1240, 11/13/12; ORD 1286 9/9/14)

Section 18-92: Map of Overlay Zoning Districts

Except where otherwise indicated in this Article, the overlay zoning districts are represented on the "Airport Overlay & Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin" "City of Marshfield Well Head Protection Areas Map," and the "Shoreland Zoning: Lands Annexed After May 7, 1982," adopted and from time to time amended by the City of Marshfield.

(ORD 1240, 11/13/12; ORD 1286 9/9/14)

Section 18-93: Airport Overlay District

(1) Intent. The intent of this Height Limitation Zoning Overlay (HLZO) district map is to regulate and restrict the height of structures, temporary equipment, and vegetation in the vicinity of the Marshfield Municipal Airport, to promote public safety, welfare and convenience, to increase safety in airport operations, to protect persons and property within the area, and protect the municipal investment in the airport facilities.

(2) Statutory Authority. This ordinance is adopted pursuant to Wisconsin Statutes Section 62.23 and Section 114.136.

(3) Jurisdiction and Applicability. The jurisdiction of this ordinance shall extend over all lands within 3 statute miles of the boundaries of the Marshfield Municipal Airport. The provisions of the ordinance shall also be applicable to neighboring towns located within the jurisdiction described. The extraterritorial provision of the ordinance is granted by Wisconsin Statute Section 114.136.

(4) Map of Overlay District and Zone Boundaries. The overlay district boundaries and all zones established by this Subsection are as shown on the map dated March 17, 2006 and entitled, "Airport Overlay & Height Limitation Zoning Map, Marshfield Municipal Airport, Marshfield, Wisconsin," which is on file in the office of the Zoning Administrator, electronically stored in the City Geographic Information System (GIS) and adopted herein by reference.

(a) Amendment. The boundaries of the District and Zones may be amended as changes occur in the takeoff and approach paths of aircraft, airport operations, runway extensions and/or change in airport property boundaries in conformance with an adopted airport master plan.

(b) Determination of District & Zone Boundaries. Where a parcel of land is divided by zone boundaries, only such portions of that parcel of property actually within the boundary lines of any airport overlay zone shall be included. Airport overlay zones may overlap, in which event the property shall be subject to the more restrictive zone.

(5) Airport Overlay Zones. In order to carry out the provisions of this Section, the following Zones are hereby established and apply to all lands located under the approach surface, flight paths and overflight areas of the Marshfield Municipal Airport.

(a) Airport Operation Zone (AIR-O). This zone shall include all airport property which is owned by the City of Marshfield, and other properties subject to legally established aviation easements.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlying zoning district for the airport, and related air navigation facilities.

2. Height Limitations. Subject to applicable State/Federal Regulations.

(b) Runway Approach Zone (AIR-1). This Zone identifies a protected area of aerial approach for Marshfield Municipal Airport Runway 16/34 which includes a 3,300 ft-wide area centered on the extended runway centerline, extending outward and upward from the end of the primary surface at a 50:1 slope ratio until reaching 150' above the airport level.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlaying zoning districts.

2. Height Limitations. Except as otherwise provided in this section, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to a height in excess of the height limits for the zone indicated on the Airport Overlay & Height Limitation Zoning Map.

(c) Runway Approach Zone (AIR-2). This Zone identifies a protected area of aerial approach for Marshfield Municipal Airport Runway 4/22 which includes a 3,300 ft-wide area centered on the extended runway centerline, extending outward and upward from the end of the primary surface at a 30:1 slope ratio until reaching 150 feet above the airport level.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlying zoning districts.

2. Height Limitations. No structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to a height in excess of the height limits for the zone indicated on the Airport Overlay & Height Limitation Zoning Map.

(d) Flight Path Zone (AIR-3). This zone is intended for protection of the flight path areas used by aircraft in their transition to the runway approaches. The Zone includes the areas extending outward 90 degree angles to the runway centerlines, extending a distance of one mile measured horizontally from the end of the runway surface.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlying zoning districts.

2. Height Limitations. No structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to a height in excess of the height limits for the zone indicated on the Airport Overlay & Height Limitation Zoning Map.

(e) Overflight Zone (AIR-4). This Zone includes the areas outside of the Runway Approach Zones and Flight Path Zone, still within the 3-miles of the airport boundaries.

1. Permitted Uses. All uses permitted in Chapter 18 of the Municipal Code for the underlying zoning districts.

2. Height Limitations. No structure shall be constructed, altered, located or permitted to remain after such construction, alteration, or location, and no trees shall be allowed to grow, to a height in excess of the height limits for the zone indicated on the Airport Overlay & Height Limitation Zoning Map.

(6) Exception to Height Limitations.

(a) Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above ground level (AGL). If there is a natural elevation rise on the property, an object on that rise could be 50' AGL without violating the provisions of the Height Limitation Zoning Map, even if it penetrates the 30:1 or 50:1 surface.

(b) Temporary Cranes. Any temporary crane or similar temporary equipment that encroaches into the HLZO, used for construction or maintenance, is required to obtain a Land Use Permit (Section 18-163) with the City prior to use of the equipment within the HLZO. Land Use Permit must include the following:

1. Letter of Determination by the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. If the FAA finds that the project poses a hazard to air navigation, the permit shall be denied. Letter of Determination requirement may be waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety.

2. Recommendation by the Airport Manager and approval by the Zoning Administrator. Denial by the Zoning Administrator may be appealed to the Zoning Board of Appeals (Section 18-156).

(7) Administration. The Zoning Administrator or designee shall administer and enforce the regulations prescribed herein. A determination from the Federal Aviation Administration may be required as to the effect of a development proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

(8) Appeal to the Zoning Board of Appeals. Applications for variances to this Section to the Zoning Board of Appeals shall be taken pursuant to Section 18-170, except that the following additional requirements shall apply:

(a) The application for a variance shall be accompanied by a determination from the Federal Aviation Administration and Wisconsin DOT, Bureau of Aeronautics, as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

(b) No application for a variance may be considered by the Board unless a copy of the application has been furnished to the Airport Manager for a recommendation as to the aeronautical effects of the proposal.

(9) Hazard Marking and Lighting. If needed to carry out the purpose of the ordinance and the general purpose of Chapter 18, any permit or variance granted may include conditions which require the owner of the structure or objects in question to install, operate and maintain, at the owner's expense, such markers and lights as may be necessary to indicate the presence of an airport hazard to fliers.

(10) Nonconforming Structures and Uses. Nonconforming structures and uses in the Airport Overlay District shall be subject to the following:

(a) The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration, of any nonconforming structure or use, or otherwise interfere with the continuance of any nonconforming structure or use, except as otherwise provided.

(b) Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of the ordinance from which this section derives and if such is diligently prosecuted.

(c) This section shall not interfere with the removal of and nonconforming structure or use by purchase or the use of eminent domain.

(d) Before any structure made nonconforming by the requirements of this section may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed in this section authorizing such change, replacement, or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of the ordinance from which this section derives, or than it was when the application for permit was made.

(ORD 1240, 11/13/12; ORD 1293 1/13/15)

Section 18-94: Wellhead Protection Overlay District

(1) Purpose and Authority

(a) Purpose. The residents of the City of Marshfield depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Overlay District is to institute land use regulations and restrictions to protect the City's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the City of Marshfield.

(b) Authority. Statutory authority to enact these regulations is established in Wis. Stat. s. 62.23(7)(c), which grants the City of Marshfield the authority to enact zoning regulations for the protection of groundwater resources.

(2) Application of Regulations. The regulations specified in this Section shall apply to the incorporated areas of the City of Marshfield and extraterritorial areas of intergovernmental agreements that lie within the Wellhead Protection Area. The regulations of this Section are in addition to the requirements in the underlying zoning district. If there is a conflict between this Overlay District and the underlying zoning district, the more restrictive provision shall apply.

(3) Definitions. As used in this section, the following terms shall have the following meanings:

(a) Existing Facilities. Current facilities and uses which may cause or threaten to cause environmental contamination within the Wellhead Protection Area. Existing facilities include but are not limited to the type listed in the Department of Natural Resources Form 3300-215, Public Water Supply Potential Contaminant Use Inventory.

(b) Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

(c) Wellhead Protection Area. Multiple areas lying both within and outside the incorporated areas of the City of Marshfield and within a 1,200-foot radius, or 5-year time of travel, whichever is greater of each municipal well of the City of Marshfield.

(4) District Boundaries. The Wellhead Protection Overlay District shall include the Wellhead Protection Area as defined in this Section. The location and boundaries of the District are set forth on the City of Marshfield Well Head Protection Areas Map, on file in the offices of the Marshfield Utilities Water Superintendent and Planning and Economic Development Department, electronically stored in the Marshfield Geographic Information System (GIS), and adopted herein by reference.

(5) Separation Distance Requirements from contamination sources. The well shall be adequately separated from potential sources of contamination. Unless a hydrogeologic investigation indicates lesser separation distances would provide adequate protection of a well from contamination or department approved treatment is installed to address the potential contamination concerns.. The following minimum Separation Distances, as specified in Section NR 811, .12(5)(d). Wis. Adm. Code, shall be maintained in the Wellhead Protection Overlay District between the well and certain land uses and facilities as follows:

(a) Ten (10) feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. 310.110.

(b) Fifty (50) feet between a well and a storm sewer main or sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer& Water Construction in Wisconsin. Force mains

shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 124% of the pump shut-off head.

(c) Two hundred (200) feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or 2 family residential heating fuel oil underground storage tank or above ground storage tank or POWTS treatment tank or holding tank component and associated piping.

(d) Three hundred (300) feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(e) Three hundred (300) feet between a well and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage than system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(f) Four hundred (400) feet between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.

(g) Six hundred (600) feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with a double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(h) One thousand (1,000) feet between a well and land application of municipal, commercial, or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch NR 718 while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

(i) Twelve hundred (1,200) feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage than that has or has

not received written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110 for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling storage facilities.

(6) Administration.

(a) Applications. Requests for approval to undertake development in the Overlay District are subject to procedures outlined in Article X and shall be submitted in writing to the City of Marshfield Zoning Administrator. The Zoning Administrator shall determine if the proposed use is located within the Wellhead Protection Overlay and render a determination on use and decision on the permit.

(b) Classification of Use. In case of a question as to the classification of a proposed use by the Zoning Administrator, the application shall be forwarded to the City of Marshfield Utilities Commission. The Commission may require additional information as deemed necessary for a determination. The Utility shall determine the use as being permitted or prohibited according to the Separation Distances set forth in this Section. The determination of the City of Marshfield Utilities Commission shall be rendered in writing within 60 days of any request for approval, provided however, that this 60 day period of limitation may be extended by the City of Marshfield Utilities Commission for "good cause," as determined in the sole and absolute discretion of the City of Marshfield Utilities Commission.

(7) Appeals. Appeals of Decision to this Section to the Zoning Board of Appeals shall be taken pursuant to procedures outlined in Section 18-170.

(8) Nonconforming Structures and Uses. The existing use of the land, structure or building or its accessory use which is not in conformity with the provisions of this section may be continued subject to the following:

(a) No modifications or additions to a nonconforming structure or use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section, the words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use.

(b) Ordinary maintenance repairs are not considered structural repairs, modifications or additions (ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components).

(c) If a nonconforming use is discontinued for 12 consecutive months, any future use of that lands structure or building shall conform to the appropriate provisions of this ordinance.

(9) Requirements for Existing Facilities within Wellhead Protection Areas.

(a) Owners shall provide copies of all federal, state and local facility operation approvals or certificates and on-going environmental monitoring results to the Marshfield Water Utility.

(b) Owners shall provide additional environmental or safety structure/monitoring as deemed necessary by the Marshfield Water Utility, which may include (but is not limited to) storm water runoff management and monitoring.

(c) Owners shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(d) Owners shall have the responsibility of devising and filing a method approved by the Water Utility for the immediate notification of Marshfield Water Utility officials in the event of an emergency.

(e) In the event of any release of any contaminants which endanger any well, the activity causing said release shall immediately cease and a cleanup by the owner, satisfactory to the Marshfield Water Utility shall occur.

(f) The City will monitor and keep informed of spills or releases and other identified potential contaminant sources within the Well Head Protection and Recharge areas. If spills or other releases are detected, the City will notify and work with the responsible government agencies such as WDNR and Wood and Marathon County's Emergency Management Departments, as applicable, to achieve investigation and cleanup of spills and releases or other contaminant sources deemed a threat to the shallow sand and gravel aquifer.

(g) The owner shall be responsible for all costs of cleanup, including Marshfield Water Utility consultant and inspection fees at the invoice amount, plus administrative costs for oversight, review and documentation.

(10) Enforcement and Penalties.

(a) It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Section. In case of any violation, the City of Marshfield may institute appropriate action or proceedings to enjoin a violation of this ordinance.

(b) Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, be subject to a penalty as provided in Section 1-05 of the Municipal Code.

(ORD 1240, 11/13/12; ORD 1294 3/10/15)

Section 18-95: Shoreland Zoning

(1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in Wis. Stats. 62.23 and 62.233.

(2) Shorelands. In addition to any other applicable use, site, or sanitary restrictions and regulations, the following regulations shall apply to all shorelands, as defined in Section 18-95(5)(b) below.

(3) Finding of Fact and Purpose. Uncontrolled use of shorelands and pollution of the navigable waters of the municipality would adversely affect public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

(a) Promote the public health, safety, convenience and general welfare;

(b) Limit certain land use activities detrimental to shorelands; and

(c) Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas and restricting the removal of natural shoreland vegetation.

(4) General Provisions.

(a) Compliance. The use of shorelands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. All permitted development shall require the issuance of a land use permit unless otherwise expressly excluded by a provision of this ordinance.

(b) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. Sec. 13.48(13) applies.

(c) Abrogation and Greater Restrictions.

1. This ordinance supersedes all the provisions of any other applicable municipal ordinance except that where another municipal ordinance is more restrictive than this ordinance, that

ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(d) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes or Wisconsin Constitution.

(5) Definitions. For the purposes of this Chapter the following terms are defined as:

(a) Principal Building. The main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.

(b) Shorelands. The area within the following distances from the ordinary high-water mark of navigable waters, as defined under Wis. Stats. 281.31 (2) (d):

1. One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake.

2. Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(c) Shoreland setback area. An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of principal buildings or structures has been limited or prohibited under an ordinance enacted under Wis. Stats 59.692.

(d) Vegetative buffer zone. The land that extends from the ordinary high-water mark to 35 feet inland, subject to the standards in Section 18-95(9) below.

(4) Applicability.

(e) The lands within the Shoreland District are subject to all applicable provisions of the City of Marshfield Municipal Code. Where the provisions of this Section are more restrictive than other regulations in the Municipal Code, the provisions of this Section shall apply.

(f) Any shoreland that was annexed by the City after May 7, 1982, and was subject to the Wood County or Marathon County Shoreland Zoning Ordinances under Wis. Stat. 59.692, prior to annexation, shall be subject to the requirements of this Chapter excluding the following:

1. Shoreland regulations do not apply to lands adjacent to an artificially constructed drainage ditch, pond, or storm water retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.

(6) District Boundaries.

(a) The Shoreland District areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the City that are:

1. Within 1,000 feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources Surface Water Data viewer available on the DNR website, or are shown on United States Geological Survey quadrangle maps or other zoning base maps.

2. Within 300 feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary

maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

(b) Determinations of navigability and ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary highwater mark.

(5) Setbacks. Areas within shorelands as defined by this Chapter shall be subject to the following:

(c) Principal Building Setbacks.

1. All principal buildings shall be setback at least 50 feet from the ordinary high-water mark, except as provided in subsection (2) below.

2. Construction or placement of a principal building within the shoreland setback area established under subsection (1) above shall be allowed if all of the following apply:

a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

(d) Accessory Structures.

1. Accessory structures and buildings accessory to permitted and conditional uses may be located within a shoreland, but:

a. Shall not be closer than 10 feet to the average annual high water mark; and shall meet the accessory structure requirements in Section 18-65.

b. Shall not be used for human habitation or animal shelter.

c. Shall not be placed in the vegetative buffer zone required in Section 18-95(9), unless placed in the allowed viewing or access corridor as defined in Section 18-95(9)(a)(2).

2. Accessory structures meeting all applicable requirements of the underlying zoning district and the City Municipal Code may be placed in side and front or street side yards for properties abutting navigable waterways if space is not available in the rear yard between the principal structure and the vegetative buffer zone.

(7) Vegetative Buffer Zone. Areas within shorelands as defined by this Chapter shall be subject to the following:

(a) Any person who owns shoreland property that contains vegetation shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary high-water mark of the navigable water, except as provided in subsections (1) and (2) below.

1. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove such vegetation, except that if the owner removes all of the vegetation as described herein within the vegetative buffer zone, the owner shall reestablish vegetation within the vegetative buffer zone.

2. A person who is required to maintain or establish a vegetative buffer zone under this section shall be allowed to remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and that extends no more than 35 feet inland from the ordinary high-water mark.

(ORD 1282 6/24/2104; ORD 1286 9/9/14)

Sections 18-96 to 18-99: Reserved

ARTICLE VII: DESIGN AND PERFORMANCE STANDARDS

Section 18-100: Purpose

The purpose of this Article is to regulate the design and performance standards of developments within the City to maintain and enhance the attractiveness and values of property in the community.

(ORD 1240, 11/13/12)

Section 18-101: Access Standards

(1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way.

(2) Applicability. The requirements of this section shall apply to each access drive onto a public street or right of way in all new development.

(3) Review and Approval. The City Engineer shall review and approve all proposed access drives on the subject property.

(4) Angle of Intersection with Public Right of way. All access drives shall intersect at an angle of 90 degrees wherever possible.

(5) Distance from Property Line. The distance from an access drive to the property line of an abutting property shall not be less than 3 feet, as measured along the property line, except for existing driveways, driveways on lots of 50 feet in width or less, and shared driveways.

(6) Width of Driveways. Except on lots 50 feet wide or less, all access drives shall have a minimum width of 12 feet for single and two family dwellings. Access drives for all other uses shall be determined by the City Engineer.

(7) Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving 6 or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as approved by the City Engineer.

(8) Traffic Study: If it is determined by the City Engineer or Plan Commission that a proposed nonresidential development will have a substantial impact to traffic, the City may require that a traffic impact analysis be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. It shall be conducted by a third party agreed upon by both the applicant and City at the applicant's expense. The components of the traffic impact analysis shall be determined by the City Engineer or Plan Commission.

(9) Depiction on Required Site Plan. Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

(10) Paving of Access. All access approach areas located within a street right of way shall be paved to the satisfaction of the City Engineer with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right of way. When the street has curb and gutter the hard surface between the right of way and the curb shall be concrete. This requirement must be fulfilled before building occupancy to the satisfaction of the City Engineer.

(ORD 1240, 11/13/12)

Section 18-102: Visibility Standards

(1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

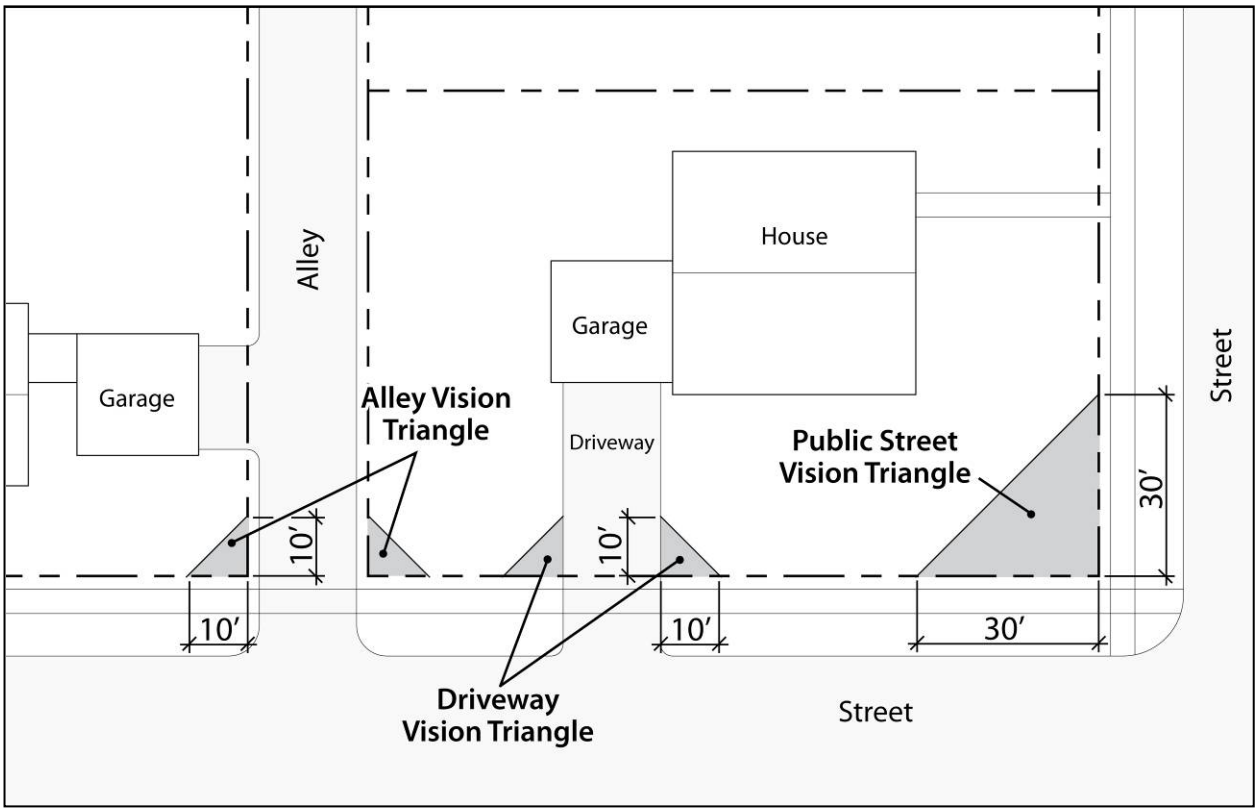
(2) Applicability. The requirements of this Section shall apply to all new development.

(3) Review and Approval. The City Engineer shall review and approve all developments for conformance with this Section. The City Engineer may grant exceptions to the requirements of this section if the intersection is controlled, or if the structure within the triangle does not obstruct visibility for traffic.

(4) Vision Triangle at Public Streets. A vision triangle extending 30 feet from all public street right of way intersections shall be maintained. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and 8 feet. Development in the DMU and UMU districts shall be exempt from this requirement.

(5) Vision Triangle at Alleys and Driveways. A 10 foot by 10 foot triangle extending from the edge of a driveway or alley and the right of way shall be maintained. No wall, fence, structure, utility structure or appurtenance or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and 8 feet. Development in the DMU and UMU districts shall be exempt from this requirement.

Figure 18-102: Visibility Standards



(ORD 1240, 11/13/12)

Section 18-103: Off-Street Parking and Traffic Circulation

(1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation.

(2) Applicability. The requirements of this Section shall apply to all new development. Any parking requirements may be modified, reduced, or waived by the Plan Commission with the issuance of a conditional use permit.

(3) Review and Approval. Through the site plan review process (see Section 18-164), the Zoning Administrator shall review and approve all development for conformance with this Section.

(4) Depiction on Required Site Plan. Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space.

(5) Minimum Required Off-Street Parking Spaces. Off-street parking requirements for each land use (see Article III) are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift. The term "capacity" means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater. The term "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

(6) Parking Requirements for New Development and Change of Land Use.

- (a) All required parking for new development, including aisles, must be provided on-site and hard surfaced within one year of occupancy.
- (b) All additional required parking, new parking areas, aisles, and/or new access points, for a change in land use that triggers an increase in the parking requirements, must be provided on-site and hard surfaced within one year of occupancy.
- (c) All new parking areas, including aisles, must be provided on-site and hard surfaced within one year of occupancy.

(7) Off-Street Parking and Traffic Circulation Standards.

- (a) Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices or other requirements as determined by the City Engineer.
- (b) Surfacing and Marking. All new and expanded off-street parking and traffic circulation areas (including all residential driveways) shall be paved with a hard, all-weather or other surface to the satisfaction of the City Engineer. Said surfaces intended for 10 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.
  1. The following are exempt from the surfacing requirements in (b) above.
     - a. All driveways in the RH-35 district.
     - b. Driveways where the only access is through a non-paved alley.

c. Parking areas subject to code enforcement or legal proceedings as of the effective date of this Chapter.

(c) Access. Except for single family and two family dwellings, each off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a street on a public right-of-way of 60 feet in width or greater. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. All new access aprons from the street to the edge of sidewalk or right-of-way shall be paved with a hard, all-weather or other surface to the satisfaction of the City Engineer.

(d) Snow Storage. Required off-street parking and traffic circulation areas shall not be used for snow storage. Snow storage shall not adversely affect any abutting property owner.

(e) Lighting. All off-street parking and traffic circulation areas serving 10 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. The illumination level shall not exceed the standards of Section 18-104. In addition, light bulbs on the subject property shall not be visible from residentially zoned property.

(f) Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Chapter 24 of the City of Marshfield Code of Ordinances.

(g) Landscaping. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Article X.

(h) Parking Space Design Standards. Other than handicapped parking, each off-street parking space shall comply with the minimum requirements of Figure 18-103(b). The minimum required length of parking spaces shall be 18 feet. All parking spaces shall have a minimum vertical clearance of at least 9 feet. The Zoning Administrator may grant exceptions to these standards.

(i) Handicapped Parking Spaces. Handicapped parking shall be provided at a size, number, location, and with signage as specified by state and federal regulations.

(j) Parking Lot Design Standards. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Figure 18-103(b). The parking lot must also adhere to the design standards for landscaping found in Section 18-133(2)(d). Additional design standards may apply to group developments and/or large developments (See Section 18-114).

(k) Partial or Phased Development of Required Parking Spaces. Any development may seek permission to not install a portion of its required parking at time of site plan review; however, the site plan shall depict the minimum number of required parking spaces.

(8) Joint and Cooperative Parking Facilities.

(a) Parking facilities which have been approved by the City Engineer to provide required parking for one or more uses shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses. However, this aggregate requirement may be reduced or expanded if part of a cooperative parking facility, the Zoning Administrator approves a reduction under Section 18-103(15), or the total number of required parking is reduced by the Plan Commission through a conditional use permit.

(b) The applicant(s) for approval of a joint parking facility shall demonstrate to the satisfaction of the City Engineer that there is no substantial conflict in the demand for parking during the principal operating hours of the two of more uses for which the joint parking facility is proposed to serve.

(c) Cooperative parking facility. Up to 15 percent reduction in the number of required parking spaces for 4 or more separate uses; 10 percent for 3 separate uses; and 5 percent for 2 separate uses may be authorized by the administrator following approval of a plan which provides for a collective parking facility of no less than 15,000 square feet, serving 2 or more buildings or uses,

developed through voluntary cooperation or under any parking district which may hereafter be provided by law.

(d) Joint but alternate use. The administrator may authorize the joint use of parking facilities under the following conditions:

1. Up to 50 percent of the parking facilities by nighttime uses may be supplied by the off-street parking facilities of daytime uses.

2. Up to 50 percent of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.

3. Up to 100 percent of the parking facilities of a church or auditorium incidental to a grade school may be supplied by the off-street parking facilities of daytime uses.

4. For the purposes of this section, daytime uses are defined as offices, banks, retail stores, personal service or repair shops, household equipment or furniture stores, manufacturing or wholesale, or similar primarily daytime uses; and nighttime uses are defined as auditoriums incidental to grade schools, churches, bowling alleys, dancehalls, theaters, bars or restaurants, motels, or similar primarily nighttime or Sunday uses and R-8 and R-9 nonelderly, multifamily housing.

5. Conditions required for joint use shall be as follows:

a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities or a longer distance as permitted by the plan commission through a conditional use permit.

b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

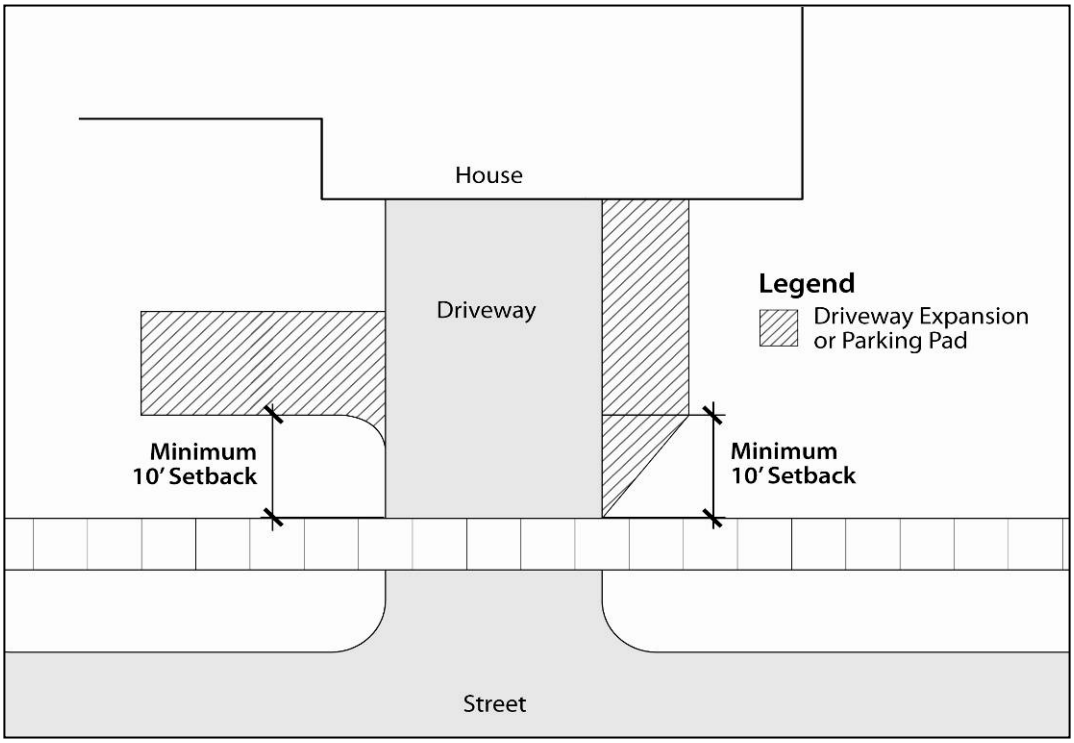
c. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the city attorney, shall be filed with the administrator. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this chapter.

(9) Locational Prohibitions for Off-Street Parking Areas.

(a) Off-street parking on a residential lot shall not be located between the principal structure and a street right of way, except within residential driveways, parking pads, and parking lots designated on the approved site plan.

(b) Except in the DMU and UMU districts, there shall be a minimum 10 foot setback for any driveway width additions or parking pads in the front and street side yards. See Figure 18-103(a). Driveways adjacent to alleys are exempt from this requirement.

Figure 18-103(a): Minimum Driveway Expansion and Parking Pad Setback



(10) Throat Length. The throat length for all new nonresidential and new multiple family residential development shall be reviewed and determined by the City Engineer based upon traffic patterns and safety concerns.

(11) Potential Reduction in Parking. The Plan Commission may decrease the required number of off-street automobile parking spaces based upon technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in this Chapter.

(12) Installation and Maintenance. All off-street parking and traffic circulation areas shall be completed within one year of use of the parking and circulation areas and shall be constructed of a hard surface or other material approved by the City Engineer. In no instance shall any required off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 18-105. The City Engineer may require the property owner to replace portions of parking areas in disrepair.

(13) Setbacks. The distance from an off street parking area to the property line of an abutting property shall not be less than 3 feet, as measured along the property line, except for existing driveways, driveways on lots of 50 feet in width or less, and shared driveways. Existing parking areas may be maintained, repaired, or replaced at their setback as of the effective date of this chapter. Parking areas and the edge of driveway additions (see armpit definition) shall have a 10 foot setback from the front and street yard property line.

(14) Parking requirement exceptions. Exceptions to parking requirements shall be as follows:

(a) DMU Downtown Mixed Use exception. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, to the off-street parking requirements in the DMU district, where, because of small lot sizes or historic development patterns, it is either impractical or infeasible to meet the provisions of this section.

(b) Elderly housing developments. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, to the off-street parking requirements for certain elderly

housing developments where the developer can successfully demonstrate that automobile ownership will be sufficiently low so that the required number of stalls would be unnecessary. In no instance may the number of stalls be reduced to less than 0.5 per dwelling unit.

(c) Off-site parking. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, whenever required parking and loading spaces cannot be located on a parcel because of development restrictions imposed by the presence of an existing principal structure which is to continue in use or to other conditions requiring off-parcel parking and to the distance requirements in Subsections (7)(c)1 and (7)(c)2 of this section. Required parking may then be provided off the parcel, for permitted uses only, subject to the following requirements:

1. If the use is residential, hotel, motel, or tourist home, the off-site spaces shall be within 200 feet of the principal entrance or the entrance for individual occupants for whom spaces are reserved.

2. If the use is other than residential, hotel, motel or tourist home, the farthest portion of the parking lot shall be within 1,000 feet of an entrance to the establishment.

3. Distances indicated in Subsections (15)(c)1 and (15)(c)2 of this section shall be measured along routes generally available to the pedestrians involved.

4. Off-site parking areas shall be held in fee simple by the same owner as the use requiring the off-street parking space, or under lease, rental, or other form of agreement satisfactory to the plan commission with respect to ensuring continuing availability for required off-site parking for the use.

(d) Hard-surfacing. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, to temporarily or permanently wave the hard-surfacing requirements of this Section.

(e) Setbacks. The Plan Commission may grant exceptions, through the issuance of a conditional use permit, reduce or wave the setback requirements of this Section (18-103).

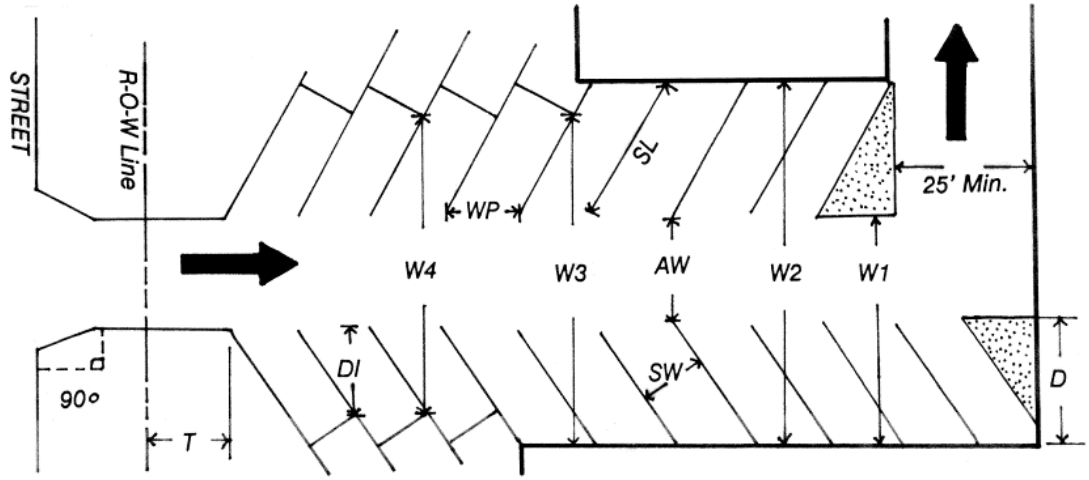
(a) Other exceptions to the parking requirements may be granted by the Plan Commission through the issuance of a conditional use permit. Exceptions may only be granted where unique circumstances exist and extraordinary hardships or particular difficulties may result from strict compliance with this section and further provided that such exception shall not impair the general purposes of this section and the overall chapter.

(15) The Zoning Administrator may allow a reduction in the number of parking spaces constructed provided that the applicant can demonstrate on a site plan that the property has enough room to accommodate the required parking spaces.

Figure 18-103(b): Parking Layout Dimensions

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9.0’	9.0’	9.0’	9.0’	9.0’
Stall Width Parallel to Aisle (WP)	17’	12.7’	10.4’	9.3’	9.0’
Stall Depth to Wall (D)	9.0’[1]	17.5’[1]	19.0’[1]	19.5’[1]	18.5’[1]
Stall Depth to Interlock (DI)	N/A	15.3’	17.5’	18.8’	N/A
Stall Length (SL)	18.0’	18.0’	18.0’	18.0’	18.0’
Aisle Width (AW)	12.0’[2]	12.0’[2]	16.0’[2]	17.20’[2]	24.0’
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	21.0’	29.5’	35.0’	42.5’	44.5’
Wall to Wall (Double-Loaded) (W2)	30.0’	47.0’	54.0’	62.0’	63.0’
Wall to Interlock (Double-Loaded) (W3)	N/A	44.8’	52.5’	61.3’	N/A
Interlock to Interlock (Double-Loaded) (W4)	N/A	42.6’	51.0’	60.6’	N/A

Notes:
[1]Parking spaces located behind an enclosed garage and located on a through aisle shall be at least 30 feet deep.
[2]This dimension represents (AW) for one-way traffic.



(ORD 1240, 11/13/12; ORD 1253 7/9/13; ORD 1269 3/11/14)

Section 18-104: Exterior Lighting Standards

(1) Purpose. The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

(2) Applicability. The requirements of this Section apply to all new private exterior lighting within the jurisdiction of this Chapter, except for the following, provided the lighting is not causing nuisance to adjoining property owners or to the public:

(a) Lighting within public rights-of-way and/or lighting located on public property including parks, athletic fields, and fairground uses.

(b) Lighting for public monuments, statuary, and flags.

(c) Lighting solely for signs (regulated by the Sign Ordinance).

(d) Temporary lighting for theatrical, television, performance areas, community events, construction sites, seasonal/holiday lighting, or similar temporary uses.

(e) Underwater lighting in swimming pools and other water features.

(f) Lighting that is only used under emergency conditions.

(g) Lighting exempted as part of a Conditional Use Permit.

(h) Lighting required by the FCC, FAA, Airport, and State or Federal law.

(i) Lighting required for air navigation.

(j) All lighting luminaires and light poles existing prior to the effective date of this Section shall be considered grandfathered and may be replaced at their present location and height provided any nonconformity is not increased.

(3) Review and Approval. The City shall review and approve all development for conformance with this Section through the site plan review process (see Section 18-164).

(4) Depiction on Required Site Plan. Exterior lighting for multifamily and nonresidential development shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property. Submitted materials should include specification sheets for all proposed luminaries.

(5) Definitions.

(a) Architectural/Decorative Lighting: Lighting that is decorative, and/or used to illuminate architectural and/or landscaped features and pedestrian areas, and primarily installed for aesthetic effect. May be wall or ground mounted.

(b) Fixture: A complete lighting assembly (including the lamp, housing, reflectors, lenses, and shields), less the support assembly (pole or mounting bracket); a light fixture. Includes luminous tubes, lamps or similar devices, permanently installed or portable, used for illumination, decoration, or advertisement.

(c) Footcandle: A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

(d) Full Cutoff/Full Shield Fixture: A light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane through the luminaire's lowest light-emitting part.

(e) Glare: Intense or blinding light that is sufficiently brighter than the level to which the eyes are adapted, to cause visual discomfort, or loss of visual performance and ability.

(f) Light Source: The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

(g) Light trespass: Light falling where it is not wanted or needed including spill light and obtrusive light.

(h) Lumen: A quantitative unit measuring the amount of light emitted by a light source.

(i) Luminaire: The complete lighting unit, including the lamp, the fixture, and other parts.

(j) Non-Cutoff Fixture: A light fixture that has no limitations on light distribution at any angle.

(k) Partially Shielded: A luminaire shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane through the luminaire's lowest light-emitting part and includes semi-cutoff fixtures.

(l) Semi-Cutoff Fixture: A luminaire shielded in such a manner that more than zero but less than five percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane through the luminaire's lowest light-emitting part.

(m) Uplighting: a lamp or wall light designed or positioned to cast its light upwards. The lights shall be designed to minimize light that does not illuminate the target area. The light source shall be screened or shielded from adjoining properties.

(6) General Exterior Lighting Requirements.

(a) Flashing, flickering and/or other lighting which may distract motorists are prohibited.

(b) Intensity of Illumination.

1. The maximum number of footcandles at a property line that is abutting a residentially zoned property shall be 0.5 footcandles. The maximum number of footcandles at a street right-of-way or property line abutting a nonresidential zoning district is 2.0 footcandles. Properties owned by the same owner or where an agreement has been established by abutting property owners, may be excluded from the footcandle requirement at the abutting property line(s).

2. Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited.

3. Onsite Lighting.

a. The maximum average on-site lighting in nonresidential zoning districts shall be 2.4 foot-candles.

b. The maximum average on-site lighting in residential zoning districts shall be 0.90 foot-candles.

c. The following exceptions may be permitted:

i. The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 3.60 foot-candles.

ii. The maximum average on-site lighting of auto display lots and gas station pump islands is 25.0 foot-candles.

4. Reflected glare onto nearby buildings, streets, or pedestrian areas is prohibited.

5. All under-the-canopy fixtures shall be full cutoff and recessed into the structure ceiling.

(c) Fixtures and Luminaires.

1. Light Poles.

a. The maximum fixture height in the SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, NMU, and MH-8 districts shall be 20 feet. The maximum fixture height in all other districts shall be 40 feet, except for any fixture located within 100 feet of a residentially zoned property, then the maximum height shall be 25 feet. The height shall be measured from the ground to the top of the fixture.

b. All pole lights shall be directed down and have full cutoff or fully shielded luminaries except for the following:

i. Lighting sources that emit less than 2,500 lumens (roughly equivalent to 150 watt incandescent light bulb).

ii. Non cutoff or flood lighting may be used to illuminate properties zoned industrial for parking, loading, and outdoor yard areas where the fixture lens is screened from any adjoining residentially zoned property. Fixture lenses should be screened from public rights-of-way when feasible.

2. Wall Lights.

a. All wall lights shall be directed down and have full cutoff or fully shielded luminaries except for the following:

i. Lighting sources that emit less than 2,500 lumens (roughly equivalent to 150 watt incandescent light bulb).

ii. Partially shielded fixtures may be used for loading and parking areas for nonresidential uses where the fixture lens is not facing or is screened from any adjoining residentially zoned property. Fixture lenses should be directed away from public rights-of-way when feasible.

iii. Non cutoff or flood lighting may be used to illuminate properties zoned industrial for parking and outdoor yard areas where the fixture lens is screened from any adjoining residentially zoned property. Luminaires should be screened from public rights-of-way when feasible.

iv. Uplighting shall only be permitted for the architectural/decorative lighting of a building or landscaping.

3. Uplighting shall only be permitted for the architectural/decorative lighting of a building or landscaping.

4. Free standing decorative and bollard lighting is permitted provided the lighting source emits less than 2,500 lumens if visible from adjoining properties or public right-of-way.

5. Blinders, shields, or some other type of protectors may be required to be placed on any lights so as to minimize glare or to direct the beam away from adjoining properties, rights-of-way, or driveways if deemed a nuisance.

6. The color and design of fixtures shall be compatible with the building(s) and public lighting in the area, and shall be uniform throughout the entire development site.

(7) Public Safety and Nuisance

(a) Generally. The City may require the modification or removal or limited operation of any new lighting fixtures found to be a public hazard or public nuisance according to the criteria of this Section.

(b) Hazard. Criteria for finding illumination to be a public hazard are as follows:

1. Light trespass or glare that is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.

2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in his path.

(c) Nuisance. Criteria for finding illumination to be a public nuisance are as follows:

1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of his property.

2. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties of the City.

(Ord 1240, 11/13/12; ORD 1270 3/11/14)

(ORD 1240, 11/13/12)

Section 18-105: Exterior Storage Standards

(1) Purpose. The purpose of this Section is to control the use of office and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Article III.

(2) Applicability. The requirements of this Section apply to all development.

(3) Review and Approval. If a conditional use permit is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 18-164).

(4) Requirements for Exterior Storage in Mixed Use Districts. In all commercial zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any required front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of 5 feet from any and all property lines: screened refuse containers; construction materials, landscape materials, and related equipment connected within on-site construction; and off-street parking.

(5) Inoperable Motor Vehicles. Refer to section 15-53 3Q of the City of Marshfield Municipal Code.

(6) Outdoor Storage of Firewood. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery. Firewood should be neatly stacked and may not be stacked closer than 2 feet to any lot line and not higher than 6 feet from grade, except abutting a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

(7) All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of.

   (a) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles, or that harbor or are infested or inhabited by rats or other vermin, are public nuisances and may be abated pursuant to the provisions of this Chapter.

   (b) Not more than 20 percent of the required side and rear yard may be used for storage of firewood at any one time.

(ORD 1240, 11/13/12)

Section 18-106: Fencing Standards

(1) Purpose: The purpose of this section is to regulate the materials, location, height, and maintenance of fencing, and decorative posts in order to prevent the creation of nuisances and to promote the general safety and welfare of the public.

(2) Applicability: The requirements of this Section apply to all fencing and decorative posts equal to, or exceeding, 36 inches in height, in all zoning districts.

(3) Review and Approval: All fences which are equal to or greater than 36 inches in height located in any district shall obtain a building permit from the Building Inspector before commencing construction.

   (a) Permit application and site plan. A building permit application for a fence shall consist of a standard building permit application together with a site plan. The site plan must show abutting streets, lot lines and their dimensions, existing buildings, the proposed fence location and proposed setbacks. A drawing or picture of the fence indicating its style, height, and shall also be provided.

   (b) Exemptions from permit. Snow fencing shall be permitted in all districts not exceeding 4 feet in height provided it is removed between May 1 and November 1 of each year. Decorative fences and garden fences not exceeding 36 inches in height are exempt provided they do not present a

hazard to pedestrians on any public or private sidewalk. Other fences exempt from permits include pet enclosures within the buildable area for the principal structure.

(c) Exceptions to the requirements of this section may be granted through a conditional use permit.

(4) Standards:

(a) Materials:

1. Residential fences shall be constructed using residential-style fencing including, but not limited to, naturally resistant or treated wood, brick, natural stone, masonry, wrought iron, vinyl, galvanized and/or coated chain link (minimum thickness of 9 gauge and a required top rail support). Chain link fence slats are subject to provisions of this section regarding open and solid fences.

2. Nonresidential fences shall use the materials listed in Subsection 1., above. Corrugated metal or other solid metal fences may only be used in the CMU, LI, and GI zoning districts.

3. Except of a security fence, any fence within any residential or mixed use within the required or provided front yard, whichever is less restrictive, shall be a maximum of 50 percent opaque (such as a wood or metal picket or wood rail fence), except with the granting of a conditional use permit per Section 18-161.

4. Wire mesh and chain link fencing is not permitted within the required or provided front yard, whichever is less restrictive, in the RH-35, SR-2, SR-3, SR-4, TR-6, MR-12, MR-24, and MH-8 zoning districts, except when used in conjunction with parks, schools, and airports.

5. Barb wire fencing is only permitted on the top of security fencing when located at least 6½ feet above the ground.

6. Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted. Permits are not required for temporary fencing.

(b) Location:

1. On all properties, no fence or decorative post shall be located closer than 3 feet of the right-of-way line in the provided front yard, provided street side yard property line, or when abutting an alley.

2. Fences shall be located within any property line abutting a side or year yard.

3. All fences must meet the visibility standards in Section 18-102.

4. Fences may be located within easements per the provisions of the easement.

5. Replacement of fences existing as of the effective date of this Chapter in their current location shall be permitted.

(c) Maximum Height: The maximum height of any fence or decorative post shall be the following:

1. In the SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, MR-24, MH-8 zoning districts:

a. Four feet when located within the required front or provided yard, whichever is closer to the street.

b. Six feet within the side, rear, or street side yard, but not in the required front yard or beyond the front façade of the house, whichever is closer to the street.

2. In the NMU, CMU, UMU, DMU, IP, LI, GI, RD, CD, PD zoning districts:

a. Eight feet when located behind the front façade of the building or required yard, whichever is closer to the street.

b. Four feet when located in the required front yard or between the front façade of the building, whichever is closer to the street.

c. Eight feet for security fences in any yard.

3. Height shall be measured from the ground immediately under the fence to the top of the fence face.

4. Height exceptions:

a. Decorative posts at a minimum spacing of 24 inches may extend 8 inches above the maximum height. This exception is not allowed for front yard fences.

b. To accommodate slopes and/or lawn maintenance, up to 4 inches of ground clearance shall be allowed which will not contribute to the measurement of maximum fence height. This exception is not allowed for front yard fences.

c. Berms with slopes less than or equal to a minimum of 3 feet of horizontal to a maximum of every 1 foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.

(d) On Fence Lighting: On fence lighting is permitted and shall conform to all requirements of Section 18-104 as well as the State electrical and building codes.

(e) Orientation: Any and all fences or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.

(f) Maintenance: Any and all fences or decorative posts shall be maintained in a structurally sound and attractive manner.

(g) Swimming Pools: Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI).

Figure 18-106(a): Fencing Standards

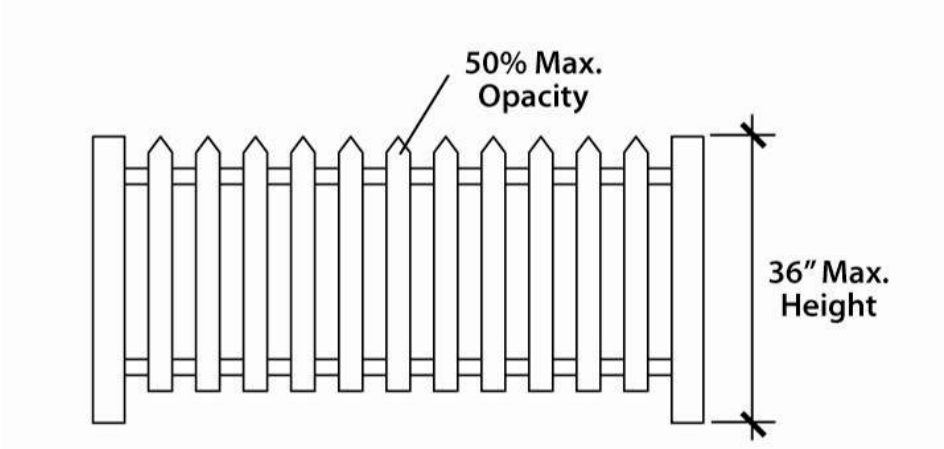


Figure 18-106(b): Fencing Standards

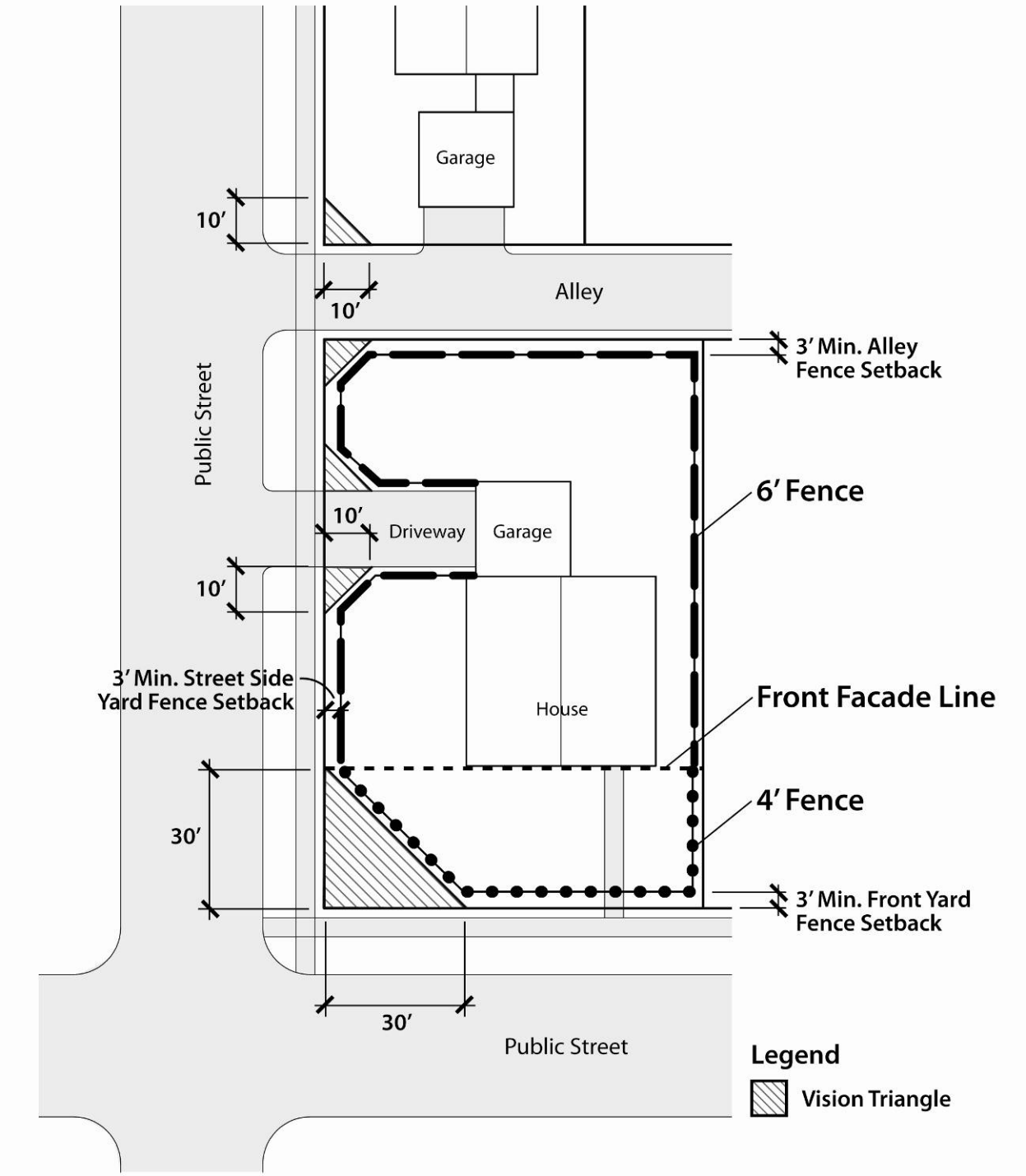
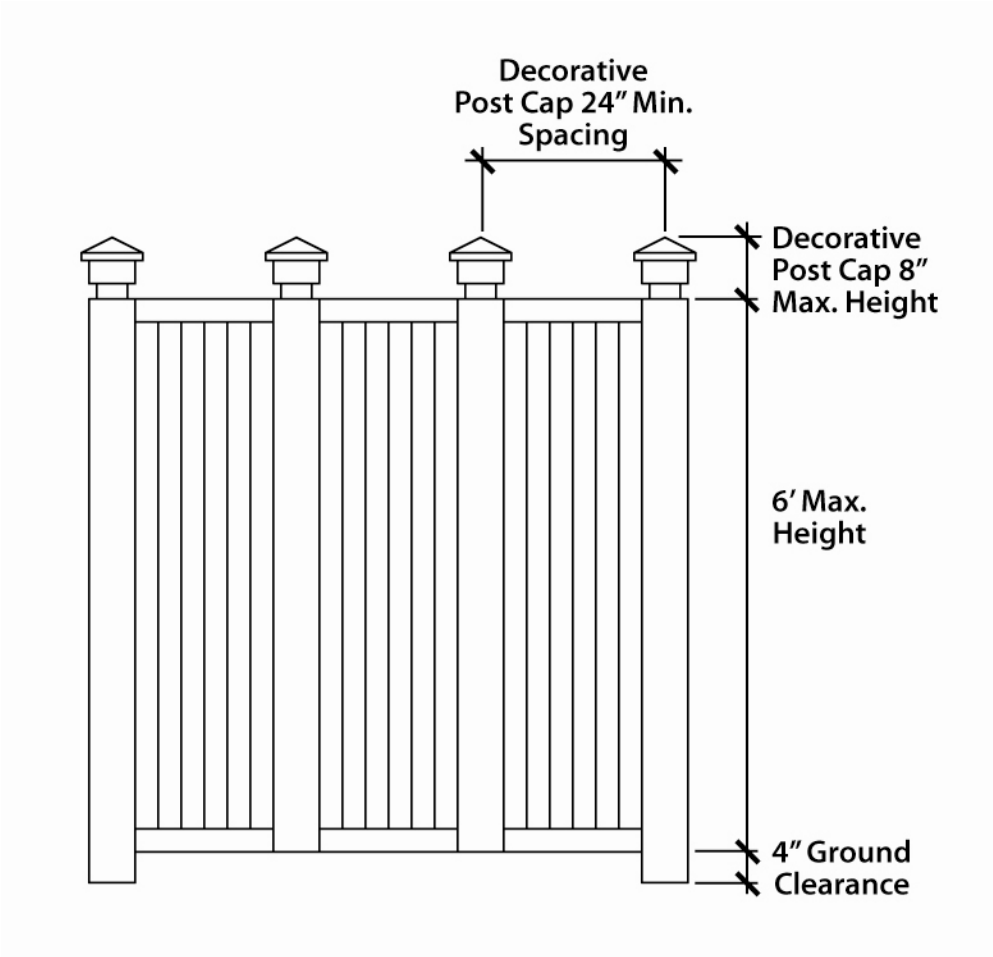


Figure 18-106(c): Fencing Standards



(ORD 1240, 11/13/12)

Section 18-107: Swimming Pool Standards

(1) Applicability. This section applies to all permanent swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 36 inches requiring water filtration, circulation, and purification, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(2) Regulations:

(a) Swimming pools, except inflatable temporary pools, shall be set back a minimum of 3 feet from the property line and shall not be located in the required or provided front yard, whichever is less.

(b) Swimming pools less than 4 feet tall shall be surrounded by a security fence which is a minimum of 4 feet in height.

(c) All gates shall be secured when the pool is unattended.

(d) Aboveground pools with a wall 4 feet in height or higher shall not require a fence; however, ladders for these pools shall be removed when not in use and steps to decks abutting these pools shall be secured with gates when unattended.

(ORD 1240, 11/13/12)

Section 18-108: Vibration Standards

(1) Purpose. The purpose of this Section is to regulate the creation of vibration which adversely affects abutting properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.

(3) Review and Approval. Through the site plan review process (see Section 18-164), the Plan Commission shall review and approve all development on the subject property.

(4) Depiction on Required Site Plan. Any activity or equipment which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.

(5) Requirements. No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given in Figure 18-108, below.

(6) Method of Measurement. Measurements shall be made at or beyond the abutting lot line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in 3 mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula: D = K/f, where D = displacement in inches; K = a constant to be determined by reference to Figure 18-108 below; f = the frequency of vibration transmitted through the ground (cycles per second).

Figure 18-108: Vibration Measurement Constant

	K All Other Districts	**K** GI District
On or beyond any abutting lot line		
Continuous	0.003	0.015
Impulsive	0.006	0.030
Less than 8 pulses per 24-hour period	0.015	0.075
On or beyond any residential district boundary line		
Continuous	0.003	0.003
Impulsive	0.006	0.006
Less than 8 pulses per 24-hour period	0.015	0.015

(ORD 1240, 11/13/12)

Section 18-109: Odor Standards

(1) Purpose. The purpose of this Section is to regulate the creation of odor which adversely affects abutting properties in order to prevent the creation of nuisances and to promote the healthy, safety, and general welfare of the public.

(2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.

(3) Standards. Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within the SR-2, SR-3, SR-4, TR-6, MR-12, MR-24, MH-8, NMU, CMU, UMU, DMU, CD, RD, and IP zoning districts.

(ORD 1240, 11/13/12)

Section 18-110: Glare and Heat Standards

(1) Purpose. The purpose of this section is to regulate the creation of glare or heat in order to prevent the creation of nuisances and to promote the health, safety, and welfare of the public.

(2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

(3) Standards. No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. As determined by the Zoning Administrator, there shall be no discernible transmission of heat or heated air at the lot line. Solar systems regulated by Wisconsin Statutes 66.0401 shall be entitled to the protection of its provisions.

(ORD 1240, 11/13/12)

Section 18-111: Fire and Explosions

(1) Purpose. The purpose of this section is to regulate the creation of fire and/or explosion hazards which adversely affect abutting properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this section apply to all land uses and activities.

(3) Standards. Any use involving materials which could decompose by detonation shall be located not less than 400 feet from any residential or commercial zoning district except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with all fire prevention codes of the State of Wisconsin. See also Chapter 6 of the City of Marshfield Municipal Code.

(ORD 1240, 11/13/12)

Section 18-112: Toxic, Noxious, and Waste Materials

(1) Purpose. The purpose of this section is to regulate the handling of toxic, noxious, or waste material which adversely affects abutting properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this section apply to all land uses and activities.

(3) Standards. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger

the public health, safety, comfort, or welfare, or cause injury or damage to private property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

(ORD 1240, 11/13/12)

Section 18-113: Hazardous Materials

(1) Purpose. The purpose of this section is to provide information to the City regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.

(2) Applicability. The requirements of this section apply to all land uses and activities involving any one or more of the following:

- (a) Micro-organism cultures subject to Wisconsin Statutes 94.65.
- (b) Pesticides subject to Wisconsin Statutes 94.67(25).
- (c) Biological products subject to Wisconsin Statutes 95.39.
- (d) Hazardous substances subject to Wisconsin Statutes 100.37(1)(c).
- (e) Toxic substances subject to Wisconsin Statutes 101.58(2)(j).
- (f) Infectious agents subject to Wisconsin Statutes 101.58(2)(f).
- (g) Any material for which the State of Wisconsin requires notification of a local fire department.
- (h) Any other uses, activities, or materials which are subject to county, state, or federal hazardous, or related, materials regulations.

(3) Standards. All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal. Reportable quantities of hazardous chemicals must also be reported to the State of Wisconsin Tier-Two reporting system (WHOPRS).

(ORD 1240, 11/13/12)

Section 18-114: Group Development and Large Development Standards

(1) Purpose. The purpose of this section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the City of Marshfield.

(2) Definitions.

- (a) Group Development. Any development located on one lot and comprised of any single instance or any combination of the following development types:
  1. One or more principal multi-family residential buildings with 9 to 24 or greater residential units on the same lot.
  2. Two or more principal structures on the same lot, whether currently serving a single use or more than one use.
  3. Any addition of principal buildings that increases the total number of principal structures on the same lot to two or more.
- (b) Large Development. Any new nonresidential development or additions to an existing principal structure on which the new gross floor area exceeds 50,000 square feet. Existing principal structures or previous additions are not counted towards the new gross floor area.

(3) Common Examples.

(a) Common examples of group developments include apartment or condominium complexes with 9 or more total units, commercial centers, shopping centers, and office centers where there are two or more principal buildings. Planned Developments are *not* considered group developments.

(b) Common examples of large developments include multi-tenant, nonresidential buildings that are in excess of 50,000 gross square feet.

(4) Exceptions to Group Developments. The following situations are exempt from the group development requirements of this Section.

(a) Structures within City parks.

(b) Development in the Campus Development District.

(c) Development in the Planned Development District.

(d) Industrial Land Uses (see Section 18-59)

(e) Storage Land Uses (see Section 18-60)

(f) Accessory Structures

(g) Temporary Structures

(h) Mobile Home Parks

(i) Structures in Public Parks

(j) Small Scale Public Services and Utilities (see Section 18-57)

(k) Telecommunication Land Uses (see Section 18-62)

(l) Nonresidential buildings where it can be demonstrated to the satisfaction of the Zoning Administrator that any principal building can be subsequently detached with a lot and yards conforming to the requirements of this Chapter.

(5) Review and Approval.

(a) All new group and large developments require a conditional use permit (see Section 18-161 for review and approval procedure) regardless of whether individual use(s) within the development are permitted by right within the applicable district.

(b) Any land use that is either a permitted by right or a use allowed by conditional use permit within the applicable zoning district may be included within a group development and/or large development.

(c) Land uses permitted by right in the applicable zoning district shall be permitted by right within an approved group and/or large development, subject to the provisions of this section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development and/or large development as a whole.

(d) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development and/or large development only with conditional use approval for that land use category. The consideration of the conditional use for the group development and/or large development may occur in conjunction with the review for additional conditional land uses.

(e) The detailed land use regulations in Article III that pertain to each proposed land uses shall also apply within a group development and/or large development, as will all other applicable provisions of this Chapter.

(6) Changes to Group and/or Large Development.

(a) Amendments to an approved Large Development. Following initial issuance of a conditional use permit of a large development, the subsequent additions to structures, and expansions of parking or storage areas.

(b) Amendments to an existing Group Development. Any subsequent addition of structures, additions to structures, increase in the number of units, and expansions of parking or storage area to an existing development, that meets the definition of group development in Section 18-114(2)(a), shall comply with Section 18-161(15).

(c) Changes to individual land uses within a group development and/or large development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the group development and/or large development conditional use permit, unless said conditional use permit placed restrictions on change of use.

(d) Changes to individual land uses within a group development and/or large development listed as conditional uses within the applicable zoning district may be allowed only by amendment to the conditional use permit, regardless of whether said use entails modifications to the building and/or site layout in the group development and/or large development.

(7) Standards Applicable to All Group Developments and to All Large Developments.

(a) All land uses and development shall comply with the applicable requirements of this Chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space preservation requirements; access, parking, loading, and unloading requirements shall also comply with the requirements of this Chapter unless granted an exception through the issuance of a conditional use permit.

(b) All group developments and/or large developments shall be subject to the site plan review and approval process. The applicant shall demonstrate how the proposed development relates to each of the following criteria:

1. Complements the design and layout of nearby buildings and developments.

2. Enhances, rather than detracts from, the desired character of the City.

(8) Outdoor Display Areas. Exterior display areas shall be permitted where clearly depicted on the approved site plan.

(9) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted where clearly depicted and labeled on the approved site plan.

(10) Landscaping. Landscaping shall meet the standards in See Article VIII.

(11) Lighting. On-site exterior lighting shall meet the standards in Section 18-104.

(12) Signage. See Chapter 24 of the City of Marshfield Code of Ordinances for sign regulations.

(13) Noise. Noise associated with activities at the site shall not create a nuisance to nearby properties.

(14) Natural Resources Protection. Existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated to and accepted by the City.

(15) Additional Rules Applicable to All Group and Large Developments (per Section (2), above).

(a) Compatibility Report. The City may require a written Compatibility Report siting adequate evidence that the proposed building and overall development project shall be compatible with the City's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The Compatibility Report shall specifically address the following items:

1. Traffic Impact Analysis. The City may require that a traffic impact analysis be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. It shall be conducted by a third

party agreed upon by both the applicant and City at the applicant's expense. Such Traffic Impact Analysis shall require the following components:

a. A demonstration that vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length; design, location, and number of traffic control devices; and sidewalks.

b. Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the City may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the development.

c. The City has the option to require a trip generation study.

(b) Economic and Fiscal Analysis. The City may require completion of an economic and fiscal impact analysis containing the following items:

1. Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.

2. Compare and evaluate the projected costs and benefits to the community resulting from the project, including:

a. Projected costs arising from increased demand for and required improvements to public services and infrastructure.

b. Value of improvements to public services and infrastructure to be provided by the project.

c. Projected tax revenues to the City to be generated by the project in the first 5 years of business.

d. Projected impact of the project in the first 5 years on land values (both residential and nonresidential) and potential loss or increase in tax revenues to the City of Marshfield.

(c) Building Placement and Site Layout. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the City's Comprehensive Plan.

(d) The City may require that a detailed neighborhood plan be submitted and approved by the Plan Commission and Common Council. The detailed neighborhood plan shall be prepared for all areas within 1,500 feet of the subject property, as measured from the outer perimeter of the subject property or group of properties proposed for development, and any other nearby lands as determined by the Plan Commission to be part of the defined neighborhood. The developer is encouraged to hold neighborhood meetings with nearby property owners. The detailed neighborhood plan shall contain the following specific elements':

1. Land use with specific zoning districts and/or land uses.

2. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.

3. Complete transportation network, including pedestrian and bicycle facilities and transit routes and stops, where applicable.

4. Conceptual stormwater management facilities.

5. Proposed public facility sites, including parks, schools, conservation areas, public safety facilities and public utility facilities.
6. Proposed community character themes, including building materials, landscaping, streetscaping, and signage.
7. Demonstrate that the proposed detailed neighborhood plan is in harmony with the land use, multi-modal transportation, utility, stormwater management, community character provisions of the City's Comprehensive Plan.

(ORD 1240, 11/13/12 ORD 1295 3/10/15)

Section 18-115: Administration and Enforcement

(1) Determinations necessary for administration and enforcement of performance standards set forth in this Article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement.

(2) Where determinations can be made by the Zoning Administrator using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.

(3) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, the following procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

(a) The Zoning Administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.

(b) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.

(ORD 1240, 11/13/12)

Sections 18-116 to 18-129: Reserved

ARTICLE VIII: LANDSCAPING REQUIREMENTS

Section 18-130: Purpose

The purpose of this Article is to establish landscape requirements and other regulations intended to preserve and maintain vegetation. It also seeks to promote the installation of additional landscape plants in a manner that promotes the natural resource protection, aesthetic, and public health goals of the City.
(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-131: Applicability

(1) The requirements of this Article shall not apply retroactively to existing buildings, structures, or parking areas.

(2) Any new development that is not exempt from the landscape requirements shall provide installation of landscape plants in accordance with the regulations of this Article, including expansions of existing buildings and parking areas. In the case of expansions, only the new portion of building or parking area shall provide landscaping per the requirements of this Article.

(3) Exceptions to the requirements of this Article may be granted through a conditional use permit. The applicant shall demonstrate a hardship (excluding financial hardship) that justifies exception.

(4) The Plan Commission may require additional landscaping as part of a conditional use permit, rezoning, or similar approvals (such as conditions in a Campus District Plan) to minimize conflicts with adjacent uses.

(5) The following are exempt from the landscape requirements in Section 18-133 (2), (3), and (4), unless otherwise required as part of a conditional use permit, rezoning, or similar approvals (such as conditions in a Campus District Plan).

   (a) Single family uses.

   (b) Two family uses.

   (c) Properties within the Downtown Mixed Use and Rural Holding districts.

   (d) Agriculture uses.

   (e) Accessory structures and new additions to buildings of 1,200 square feet in area or less.

   (f) Accessory uses and structures (not including migrant employee housing, on-site parking, or accessory structures over 1,200 square feet in area).

   (g) Vertical additions to existing structures.

   (h) Telecommunication land uses (excluding equipment shelters).

   (i) Essential services.

   (j) Temporary uses.

   (k) Fences.

(6) The following are exempt from the landscape requirements in Section 18-133 (2) and (3), unless otherwise required as part of a conditional use permit, rezoning, or similar approvals (such as conditions in a Campus District Plan).

   (a) Development in the Light Industrial and General Industrial districts when not adjoining residential or commercial zoned property.

   (b) New parking areas of 1,200 square feet or less.

   (c) Energy production land uses and structures.

   (d) Migrant employee housing.

(e) Small scale public services and utilities.

(f) Community living arrangements (1-8 residents).

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-132: Landscape Planting Plan

The applicant shall provide a landscape planting plan for all development requiring landscaping. The plan should be prepared by a knowledgeable landscape designer and depict the following unless waived by the Zoning Administrator:

(1) Plan should be drawn at a reasonable scale to clearly delineate the proposed landscape improvements.

(2) A scale, north arrow, existing property lines, vision triangles and easements.

(3) The ground area coverage of the existing building(s) and the proposed building(s) in square feet.

(4) The total frontage of the existing and proposed building(s) in linear feet.

(5) The total lot area in square feet and also in acres.

(6) The total number of existing and proposed parking stalls and new additional parking area in square feet (including circulation areas).

(7) The existing landscaping to be removed, showing species and size.

(8) Existing landscaping to remain including species, size (at installation or maturity), number, and number of landscape points (per Figure 18-134(a)).

(9) Proposed landscaping meeting the requirements of this Article including species, size (at installation or maturity), number of plants, and number of landscape points (per Figure 18-134(a)).

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-133: Landscape Planting Requirements

Landscape plants shall be provided based on the following requirements for street frontages, parking areas, and bufferyards.

(1) General Requirements.

(a) These requirements are additive to each other and any other landscape or screening requirements in this Article.

(b) For new and redevelopment (not including additions to buildings or expansions to parking areas) landscape planting point values may be doubled for existing landscape plants that are retained and protected with the development of the site.

(c) In calculating the number of required landscape points under the provisions of this Article, all areas and distances which required calculations shall be prorated calculations and rounded up to the nearest whole number. Any partial plant derived from the required calculations of this Article shall be rounded up to the next whole plant (for example: 23.3 large trees would be rounded up to 24 large trees).

(d) Required landscaping for one landscape area may not be double counted towards meeting the requirements for a different landscape area (for example: required landscaping for one bufferyard may not be counted towards the minimum requirements for another bufferyard, parking area, or street frontage).

(e) Points allocated to plants that are located within multiple required landscape areas (such as a tree along the street frontage that is also within the bufferyard) may be prorated to count towards each requirement (for example: a large tree worth 40 points located within the bufferyard and along the street frontage, 20 points could count towards the bufferyard and 20 points could

count towards the street frontage) provided the minimum requirements for each landscape area are still met.

(f) Utility Easements. Landscape materials, fences and berms located within a duly recorded utility or a pedestrian easement may only count toward meeting the landscape requirement if authorized otherwise by the City and applicable utilities. The width of such areas may be counted as part of a landscape requirement.

(g) Other Open Space Areas. Open space areas not used for landscape plantings other than natural resource protection areas shall be graded and seeded or sodded with an acceptable maintainable turf grass, restored to native vegetation, or maintained in crop production if already being farmed. Mulch of plantings or planting beds is acceptable provided that such mulching consists of organic or natural materials.

(2) Street Frontages.

(a) For every 100 linear feet of street frontage of a developed lot abutting a public street, the landscape plants installed shall at a minimum meet the number of landscape points specified in Figure 18-133(a).

(b) Plantings shall generally be dispersed along the street frontage.

(c) Street frontage landscaping shall be placed so that any edge of the plants mature drip line is located within the required front/street side yard for the underlying zoning district or if permitted, within the public right-of-way.

(d) Landscape plants shall not impede vehicle or pedestrian visibility. See Section 18-102.

(e) For new structure additions where the minimum landscape requirement is not being met, landscape points shall be based on the linear frontage of the addition visible from a public street measured parallel to the right-of-way line.

(f) If the street frontage landscaping already meets the requirements for the existing and new development, no additional landscaping is required.

(g) The City may allow the street frontage landscape plants to be placed within the right-of-way. Installation of plants within the right-of-way must follow the requirements of the Public Works Department.

(3) Parking Areas (including circulation and loading areas).

(a) For every 20 off-street surface parking stalls or 10,000 square feet of parking area including circulation and loading areas (whichever yields the greater landscape requirement), landscape plants shall at a minimum meet the number of landscape points specified in Figure 18-133(a).

(b) Plantings shall generally be dispersed adjacent to or throughout the parking areas.

(c) Parking area landscaping shall be placed so that at maturity, any portion of the plant's drip line or the edge of an interior parking landscape area (trees, perennials and/or shrubs) is located within 10 feet of the parking area. Landscape parking areas do not have to be provided in one contiguous area.

(d) Parking Lot Design.

1. Parking spaces must be broken up by a landscaped island/peninsula at the rate of one island/peninsula for each linear row of 12 parking spaces for single-row, or for each 24 parking spaces in double row configurations. Parking rows with cart returns are allowed up to 16 parking spaces for single-row, or 32 parking spaces for double row configurations (cart return areas are not counted as parking spaces).

2. All landscaped islands/peninsulas with trees shall have a minimum width of 7 feet as measured from the back of the curb or edger.

3. All landscaped islands/peninsulas without trees, but planted with shrubs and/or perennials, shall have a minimum width of 3 feet measured from the back of the curb or edger.

(e) For new additions to parking areas, landscape points shall be based on the number of new additional parking stalls or the square footage of new parking area added (whichever yields the greater landscape requirement).

(4) Bufferyards. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing that are required to eliminate or reduce existing or potential nuisances (e.g. dirt, litter, noise, glare, signs, and incompatible land uses, buildings, or parking areas).

(a) The required level of bufferyard opacity is listed in Figure 18-133(b). Detailed bufferyard requirements are listed in Figure 18-133(c). Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the abutting property. The required level of opacity indicated is directly related to the degree to which the potential character of development differs between different zoning districts.

(b) Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another or along abutting properties eligible for buffering according to Article III or Figure 18-133(b). The bufferyard with the greatest opacity applies.

(c) Bufferyards are not required along public rights-of-way unless otherwise required in Article III.

(d) Bufferyards are not required for existing development.

(e) Existing developed areas may continue to be utilized at their present location.

(f) Required landscape points and fences for new development shall be placed to provide screening between the new development and the abutting property.

(g) Plantings shall generally be dispersed throughout the required or provided bufferyard.

(h) Bufferyard fencing.

1. Bufferyard fencing shall be placed within the required or provided bufferyard along the perimeter of the abutting properties eligible for buffering

2. Bufferyard fencing may be required to extend into the required front yard based on the parking configuration but may not encroach into the 10 foot setback from the public right-of-way.

3. Bufferyard fencing in street side yards may not encroach into the 3 foot setback from the public right-of-way.

(i) The visual screening for bufferyards, without a structural solid fence and a required opacity greater than 0.4, shall have at least 50% of the required landscape points be a combination of coniferous species, either shrubs and/or trees.

(j) Bufferyard requirements for new structure and parking additions. Bufferyards are not required where additions to existing buildings or paved areas are not visible from abutting properties eligible for buffering.

1. For structure and parking additions parallel to or extending closer to an abutting property eligible for buffering, landscape points shall be based on the linear frontage of the addition visible from abutting properties measured parallel along the property line.

2. New structure additions must either meet the required bufferyard setback for the required opacity or the setback of the existing façade facing the abutting property, whichever is more permissive.

3. New parking area additions must either meet the required bufferyard setback for the required opacity or the setback of the existing parking area facing the abutting property, whichever is more permissive.

4. Required landscape points and fences for additions shall be placed to provide screening between the new addition and the abutting property when feasible.

(k) Use of Required Bufferyard and Landscaped Areas. Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that no required plant material is eliminated; the total width of the required bufferyard, and the total area of required landscape planting, is maintained; and all other regulations of this Chapter are met. No parking stalls, buildings, or outdoor display of storage of materials shall be permitted. Paving in such areas shall be limited to access to, through, or across the subject property.

Figure 18-133(a): Landscape Planting Requirements

a.		b. Landscape Components	
		c. Street Frontages	d. Parking Areas
Calculation of Landscape Points		Points per 100 linear feet of street frontage	Greater of: points per 20 parking stalls or 10,000 square feet of parking area
Zoning Districts	Rural Holding (RH-35)	0	0
	Single Family Residential (SR-2)	40	60
	Single Family Residential (SR-3)	40	60
	Single Family Residential (SR-4)	40	60
	Two Family Residential (TR-6)	40	60
	Multi-Family Residential (MR-12)	40	60
	Multi-Family Residential (MR-24)	40	60
	Mobile Home Residential (MH-8)	40	60
	Neighborhood Mixed Use (NMU)	40	60
	Community Mixed Use (CMU)	40	60
	Urban Mixed Use (UMU)	20	50
	Downtown Mixed Use (DMU)	0	0
	Campus Development (CD)	40	60
	Research and Development (RD)	40	60
	Industrial Park (IP)	40	60
	Light Industrial (LI)	20	50
	General Industrial (GI)	20	40

Side Note: Figure 18-133(a) above is a chart to help calculate the minimum landscape points required per zoning district for street frontage and parking areas. The points listed under the street frontage column are the number of points required per 100 feet of street frontage. The points listed under the parking area column are the number of required points per 20 parking stalls or 10,000 square feet of parking area, whichever is greater.

Figure 18-133(b): Required Bufferyard Opacity Values

Apply the required opacity value from this Figure to Figure 18-133(c) and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.	Abutting Property's Zoning District:																		
Subject Property's Zoning District:	RH-35	SR-2	SR-3	SR-4	SR-6	TR-6	MR-12	MR-24	MH-8	NMU	CMU	UMU	DMU	CD	RD	IP	LI	GI	PD
Rural Holding (RH-35)																			
Single Family Residential (SR-2)	0																		
Single Family Residential (SR-3)	0	0																	
Single Family Residential (SR-4)	0	0	0																
Single Family Residential (SR-6)	0	0	0	0															
Two Family Residential (TR-6)	0	0	0	0	0														
Multi-Family Residential (MR-12)	0	.4	.4	.4	.4	.4													
Multi-Family Residential (MR-24)	0	.5	.5	.5	.4	.4	0												
Mobile Home Residential (MH-8)	0	.5	.5	.5	.4	.4	.2	.2											
Neighborhood Mixed Use (NMU)	0	.4	.4	.4	.4	.4	.3	.3	.2										
Community Mixed Use (CMU)	0	.5	.5	.5	.5	.5	.4	.4	.4	0									
Urban Mixed Use (UMU)	0	.4	.4	.4	.3	.3	.2	.2	.2	0	0								
Downtown Mixed Use (DMU)	0	0	0	0	0	0	0	0	0	0	0	0							
Campus Development (CD)	*	*	*	*	*	*	*	*	*	*	*	*	*						
Research and Development (RD)	0	.4	.4	.4	.4	.4	.3	.3	.3	0	0	0	0	0					
Industrial Park (IP)	0	.6	.6	.6	.6	.6	.5	.5	.5	.4	.4	.4	.4	.4	.3				
Light Industrial (LI)	0	.7	.7	.7	.7	.7	.6	.6	.6	.6	.5	.5	.4	.4	.4	.3			
General Industrial (GI)	0	.8	.8	.8	.8	.8	.8	.8	.8	.6	.6	.6	.6	.6	.6	.4	.2		
Planned Development (PD)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

*Note: Per the conditions of the Conditional Use Permit or the requirements of the Campus Master Plan.

Side Note: Figure 18-133(b) above is a chart to help find the required opacity value for the subject property. Find the intersecting opacity value between the subject property, left side column and the abutting property, top row. Continue to Figure 18-133(c) to determine the minimum bufferyard requirements.

Figure 18-133(c): Detailed Bufferyard Requirements

Opacity	Minimum Bufferyard Width Measured from the Property Line (feet)	Minimum # Landscape Points per 100 Lineal Feet of Abutting Property	Required Structure
0.1	3+	20	N/A
0.2	3+	0	6' solid fence
	3+	80	N/A
0.3	3+	0	6' solid fence
	3+	100	N/A
0.4	5+	40	6' solid fence
	5+	120	N/A
0.5	10+	60	6' solid fence or berm
	10+	160	N/A
0.6	15+	80	6' solid fence or berm
	15+	200	N/A
0.7	20+	100	6' solid fence or berm
	20+	220	N/A
0.8	25+	150	6' solid fence or berm
	50+	300	N/A
1.0	50+	300	6' solid fence or berm
	50+	600	N/A

Side Note: Figure 18-133(c) above is a chart to help calculate the minimum bufferyard requirements. First locate the appropriate opacity value in the left column that was established by intersecting the subject property and the abutting property in Figure 18-133(b). The next column is the minimum bufferyard width measured perpendicular from the property line (the use of the bufferyard area is described in Section 18-133(4)). The third column is the minimum required landscape points per 100 lineal feet of abutting property eligible for buffering. The fourth column indicates whether or not a structure is required as part of the bufferyard.

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-134: Classification of Plant Species

Species suitable for landscaping and compatible with local climate and soil factors are listed below. However, this list is not intended to be exhaustive, and the Zoning Administrator shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 18-134(b) for a list of species that are prohibited in the City of Marshfield.
The following are examples of acceptable landscape species based on classification:

1. **Large Deciduous Trees (40 points):** Maple *(Red, Sugar, Hybrid)*, Birch *(River, Paper)*, Linden *(Basswood: American, Redmond, Little Leaf)*, Elm *(Hybrids; New Horizon, Regal, Discovery, Valley Forge)*, Oak *(White, Red, Bur, Pin, Swamp-White)*, Thorn-less Honey Locust *(Skyline, Sunburst, Imperial, Shademaster)*, Hackberry, Gingko *(Male cultivars: Autumn Gold, Princeton Sentry)*.

2. **Coniferous Trees (40 points):** Pine *(White, Red, Scotch, Ponderosa)*, Fir *(Balsam, Concolor)*, Spruce *(White, Black Hills, Colorado, Norway)*, American Larch, Hemlock *(Canadian)*.

3. **Medium/Ornamental Deciduous Trees (20 points)**: Flowering Crabapples, Serviceberry *(tree form)*, Thornless Hawthorn, Ironwood/Hophornbeam, Amur Chokecherry, European Mountain Ash, Callery Pear, Schubert Chokecherry, Nannyberry Viburnum (tree form), Japanese Tree Lilac.

4. **Large Shrubs (5 points):** Juniper *(Red Cedar)*, Arborvitae, Yew, Viburnum *(Arrowwood, Warfaring Tree, Nannyberry, Cranberry)*, Dogwood *(Gray, Pagoda, Red Twig)*, Chokecherry, Hydrangea, Lilac.

5. **Small Shrubs (3 points):** Horizontal Growing Junipers *(Sergeant, Broadmoor, Andorra)*, Compact yew, Bird's Nest Spruce, Ninebark, Azalea, Spirea, Potentilla, Bush Honeysuckle.

6. **Perennial Plants (1 point per gallon pot):** Coneflower, Catmint, Black-Eyed Susan, Lily, Daylily, Ornamental Grass, Lady's Mantel, Columbine, Aster, Jack Frost, Blazing Star, Black Bugbane, Peony, Pachysandra, Stonecrops, Astilbe, Hosta.

Figure 18-134(a): Landscape Points

e. Plant Category	f. Landscape Points Per Plant	g. Minimum Permitted Installation Size	h. Maturity Size
Large Deciduous Tree	40	2" Caliper	30' +
Coniferous Tree	40	5' Tall	-
Medium/Ornamental Deciduous Tree	20	5' Tall	< 30'
Large Shrub	5	18" Tall	4' +
Small Shrub	3	12" Tall	< 4'
Perennial Plants	1	1 Gallon Pot	-

Side Note: Figure 18-134(a) above is a chart to that defines the number of points per plant category, and minimum installation size/maturity growth to differentiate between large and small species.

Figure 18-134(b): Species that are Prohibited

Classification	Common Name	Scientific Name	Prohibited	Reason
Large Deciduous Tree	Non-resistant elms	*Ulmus spp.*	Prohibited	Dutch Elm Disease
Large Deciduous Tree	Boxelder	*Acer negundo*	Prohibited	Structurally Unstable
Large Deciduous Tree	Silver Maple	*Acer saccharinum*	Prohibited	Structurally Unstable
Large Deciduous Tree	Norway Maples	*Acer platanoides*	Prohibited	Invasive
Large Deciduous Tree	Ash trees	*Fraxinus spp.*	Prohibited	Emerald Ash Borer
Large Deciduous Tree	White Poplar	*Populus alba*	Prohibited	Invasive
Medium/Ornamental Deciduous Tree	Russian Olive	*Elaeangnus Angustifolia*	Prohibited	Invasive
Medium/Ornamental Deciduous Tree	Bradford pears	*Pyrus calleryana "bradford"*	Prohibited	Structurally Unstable
Medium/Ornamental Deciduous Tree	White mulberry	*Morus alba*	Prohibited	Invasive
Medium/Ornamental Deciduous Tree	Amur Maple	*Acer ginnala*	Prohibited	Invasive

Classification	Common Name	Scientific Name	Prohibited	Reason
Large Shrub	Buckthorn	*Rhamnus cathartica*	Prohibited	Invasive
Large Shrub	Autumn-olive	*Elaeagnus umbellata*	Prohibited	Invasive
Large Shrub	Multiflora rose	*Rosa multiflora*	Prohibited	Invasive
Large Shrub	Japanese spirea	*Spiraea japonica*	Prohibited	Invasive
Large Shrub	Burning bush	*Euonymus alatus*	Prohibited	Invasive
Large Shrub	Honeysuckle	*Lonicera spp.*	Prohibited	Invasive
Small Shrub	Japanese Barberry	*Berberis thunbergii*	Prohibited	Invasive
Small Shrub	Winter creeper euonymus	*Euonymus fortunei*	Prohibited	Invasive
Coniferous Tree	Austrian pine	*Pinus nigra*	Prohibited	Disease problems

Side Note: Figure 18-134(b) above is a chart to that list all prohibited species which may <u>*not*</u> *be included as part of any landscape plan that is subject to City review per Section 18-132. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, that may cause public safety issues or that may perpetuate or spread disease. This list was prepared using the United State Department of Agriculture list for invasive plants of Wisconsin, 2012.*

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Section 18-136: Installation Guidelines

(1) Installation. Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit or similar approvals for new additions for any new construction on the subject property, unless a conditional use is approved to allow for greater than 365 days.

(2) Surety.

(a) If the subject property is to be occupied prior to the installation of all required landscape plants and bufferyard material, the City may require the property owner to sign an instrument agreeing to install the required landscaping within the 365 day period. If required, the property owner and shall submit to the City an irrevocable letter of credit or other form of security that is acceptable by the City sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time that the agreement is signed. It shall be in a minimum amount equal to 110 percent of the estimated actual cost for all of the required landscape elements of the approved on the site plan and shall specifically guarantee that all such elements shall be made and installed as approved on the site plan. The costs of the work shall be furnished by the property and shall be verified by the City. The financial security shall remain in force until all of the work has been completed and approved by the City. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of the Chapter and subject the property owner to a forfeiture upon conviction.

(b) If the required landscape plants and bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the required landscaping and bufferyard work performed during a particular phase, unless required otherwise.

(c) If the property owner is a governmental unit, it may, in lieu of signing an agreement and furnishing a guarantee and file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this Article.

(3) All remaining portions of the site not covered by buildings, parking areas or landscape plants shall be graded and seeded or sodded with turf grass or native ground cover unless such vegetation is already fully established.

(4) The placement of plants and structures shall be depicted on the landscape planting plan submitted to the City for its approval. Such plant and structure location shall be the decision of each property owner provided the required landscape materials be selected or located in a manner that does not result in the creation of a safety or visibility hazard.

(5) A property owner may establish through a written agreement, recorded with the Register of Deeds that an abutting property owner agrees to provide on the immediately abutting portion of his or her land a partial or full portion of the required landscaping, thereby relieving the developer of the responsibility of providing the entire landscaping on his property. An abutting property may also agree to wave any portion of the required bufferyard, thereby relieving the developer from that portion of the required landscape with a written agreement, recorded with the Register of Deeds and copies of the agreement provided to the City.

(6) Maintenance. The continual maintenance of all required landscape materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this Article. If the property owner fails to comply with these provisions, the City may enter upon the property for the purpose of evaluating all required landscape materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this Chapter, and shall be subject to any and all applicable enforcement procedures and penalties.

(ORD 1240, 11/30/12; ORD 1265, 2/11/14)

Sections 18-137 to 18-139: Reserved

ARTICLE IX: HISTORICAL PRESERVATION

Section 18-140: Landmarks and Historical Preservation

It is a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public benefit and is in the interest of health, prosperity, safety, and welfare of the people. The purpose of this article is to:

(1) Protect, enhance and perpetuate structures, sites and districts which represent or reflect the cultural, social, economic, political, engineering or architectural history of Marshfield, referred to in this article as "the City."

(2) Safeguard the City's historic and cultural heritage as embodied and reflected in its historic structures, sites and districts.

(3) Ensure that construction or alteration on or near historic structures, sites and districts will be in keeping with the historic character to be preserved.

(4) Strengthen the City's economy through incentives which stimulate historic preservation and serve as a support to business and industry.

(5) Foster civic pride in the beauty and accomplishments of the past.

(6) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of Marshfield residents and visitors.

(ORD 1240, 11/13/12)

Section 18-141: Historic Preservation Committee

Composition of the Historic Preservation Committee shall be as follows:

(1) Composition and Qualifications.

(a) A Historic Preservation Committee is hereby created, consisting of 7 members. Of the membership, one shall be a registered architect or an individual with building design background; one shall be a historian or an individual with historical background; one shall be a member of the Plan Commission; 3 shall be citizen members, and one shall be an alderperson. Each member shall have, to the highest extent practicable, a demonstrated interest or background in historic preservation. The City Director of Planning and Economic Development shall serve as ex officio member. The mayor shall appoint the Committee subject to confirmation by the Council. Of the initial members so appointed, 2 shall serve a term of one year, 2 shall serve a term of 2 years, and 3 shall serve a term of 3 years. Thereafter, the term for each member shall be 3 years except for the alderperson, whose term shall be limited to one year.

(b) Training. In order to ensure continued Historic Preservation Committee expertise and credibility, the Committee shall designate at least one meeting each year for training to be provided by a recognized specialist in historic preservation.

(2) Powers and Duties. The Historic Preservation Committee shall have the following powers and duties:

(a) To develop appropriate criteria and standards for identifying and evaluating historic structures, sites and districts.

(b) To collect, as determined necessary by the Committee, data, including photographs, drawings, descriptions, recorded interviews and written documentation, and to survey and permanently record the origin, development, use and historical significance of structures, sites and districts and place in an appropriate facility.

(c) To recommend the designation of historical structures, sites and districts within the City limits. Such historic structures, sites and districts shall be subject to all the provisions of this Article.

(d) To cooperate with federal, state and local agencies in the nomination of locally designated historic structures, sites and districts to the National Register of Historic Places.

(e) To recommend legislation and programs which provide economic incentives for historic preservation.

(f) To review certificates of appropriateness and to adopt policies and procedures for this function.

(g) To recommend appropriate markers or plaques for historic structures, sites and districts.

(h) To receive and solicit gifts and contributions for historic preservation in the City, to be placed in a special account.

(i) To promote among the citizens of Marshfield continuing public awareness and support for the heritage of the City, as exemplified by its historic structures, sites and districts.

(ORD 1240, 11/13/12; Ord No. 1303, 6/9/15)

Section 18-142: Designation of Historic Structures, Sites, Districts

(1) Criteria. Criteria for designation of historic structures, sites and districts is as follows:

(a) A historic structure, site or district designation may be placed on any natural or improved site, or on any area of particular historic, architectural or cultural significance which:

1. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or

2. Is identified with historic persons or with important events in national, state or local history; or

3. Embodies the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style or method of construction or of indigenous materials or craftsmanship; or

4. Represents the notable work of a master builder, designer or architect whose work was influential.

(b) The Historic Preservation Committee may recommend to the Plan Commission additional guidelines for designation that are in accordance with generally accepted historic preservation principles.

(2) Procedure for Designation of an Historic Structure or Site. Upon recommendation of the Historic Preservation Committee, the Plan Commission shall hold a public hearing following publication of a Class 1 notice and application of the criteria provided in this section, subject to the following:

(a) At least 10 days prior to such hearing, the Plan Commission shall notify in writing the owners of record as listed in the office of the City assessor who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected.

(b) At such public hearings, the Plan Commission may hear other witnesses in addition to the persons notified.

(c) Within 40 days after such public hearing, the Plan Commission may recommend designation of a property as a historic structure or a historic site.

(d) Council approval of the Plan Commission recommendation shall constitute designation. Notice of such designation shall be sent to the property owner of record and to the other persons identified in Subsection (2)(a) of this section. Notification also shall be given to the City Clerk, building services supervisor and City assessor.

(e) Upon designation, the historic structure or site automatically shall be zoned "D" for historic preservation area and shall be included on an official land use map.

(f) Upon designation, the historic structure or site shall be added to the municipal register of historic places.

(3) Rescission of Designation of an Historic Structure or Site. The designation of a historic structure or site may be rescinded as follows:

(a) If the owner of record of a designated historic structure or site desires to sell and is unable to find a buyer willing to preserve the structure or site, the owner may petition the Plan Commission for a rescission of its designation. Such petition shall contain an affidavit under oath that the person has made reasonable attempts in good faith to find and attract such a buyer, as well as such further information deemed reasonably necessary by the commission for the purpose of evaluating the petition.

(b) Following the filing of such petition, the commission shall instruct the Historic Preservation Committee to work with the owner for up to 6 months to locate a buyer who is willing to abide by the designation. If no such buyer is found at the end of 6 months, and the owner still desires to sell the property, the commission shall recommend rescission to the Council for action.

(c) In the event of rescission, the Council shall notify the City Clerk, building services supervisor and City assessor and shall cause the rescission to be recorded at City expense in the County Register of Deeds' office and to be removed from the municipal register and land use map.

(d) Following any such rescission, the commission may not recommend designation of the subject property as a historic structure or site for at least 2 years from the date of rescission.

(4) Procedure for Creation of Historic District. The procedure for creation of a historic district shall be as follows:

(a) For preservation purposes, the Historic Preservation Committee shall select geographically defined areas within the City to be designated as historic districts and shall work with the City attorney to prepare a historic preservation plan in ordinance form for each area to be recommended to the Plan Commission. Such designation and plan shall meet the criteria of designation as stipulated in this section. Each historic preservation plan prepared for or by the Committee shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

(b) Upon recommendation of the Committee, the Plan Commission shall hold a public hearing, following publication of a Class 2 notice.

(c) At least 10 days prior to such hearing, the City Clerk shall give notice to the alderperson of the district and the owners of record in whole or in part situated within 200 feet of the boundaries of the proposed district.

(d) The Plan Commission shall review the historic district plan and make a recommendation to the Council within 40 days of the public hearing.

(e) Council adoption of the historic district plan in ordinance form shall constitute designation.

(f) Upon designation, the historic district automatically shall be zoned "D" for historic preservation area and shall be included on an official land use map.

(g) Upon designation, the historic district shall be listed on a municipal register of historic places.

(5) Recognition of Historic Structures Sites and Districts. After a historic structure, site or district has been so designated in accordance with this section, the Plan Commission may with consent of the owner cause to be prepared and erected on such property at City expense a suitable plaque or sign declaring that the property is a historic structure or site. Such marker shall be easily visible to pedestrians.

(6) Maintenance. Owners of record of a historic structure, historic site or an improvement in a historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions which, if not so maintained, may cause or tend to cause the exterior portions of the improvement to fall into a state of disrepair.

(7) Voluntary Restrictive Covenant. The owner of any historic structure or site, at any time following a designation of the property, may enter into a restrictive covenant on that property after negotiation with the Committee and the approval of the Plan Commission. The Historic Preservation Committee may assist the owner in preparing such covenant in the interest of preserving the historic structure or site. The owner shall record such covenant in the County Register of Deeds' office and shall notify the City assessor of such covenant and the conditions thereof.

(ORD 1240, 11/13/12)

Section 18-143: Construction and Alteration

Construction and alteration of historic structures, sites or improvements within a historic district shall be in accordance with the following:

(1) Certificate of Appropriateness Required. After designation of a historic structure, site or district, no person shall alter, reconstruct, move or permit any alteration of all or any exterior portion of a historic structure or site or a property within a historic district unless the Historic Preservation Committee has recommended and the Plan Commission has approved such work, and the building services supervisor has issued a certificate of appropriateness. Application for review of construction or alteration shall be made on a form prepared by the Historic Preservation Committee and available at the building services supervisor's office. Such an application shall include accompanying plans and specification.

(a) For a building permit involving the exterior architectural appearance of any designated historic structure or site or a property within a historic district, the building services supervisor shall refer the application to the Historic Preservation Committee for a certificate of appropriateness within 10 days of receipt of an application.

(b) For alterations of designated historic properties not requiring a building permit, the building services supervisor shall issue the certificate of appropriateness based on guidelines approved by the Historic Preservation Committee. If the building services supervisor determines that a certificate of appropriateness cannot be issued based on guideline criteria, the applicant shall be referred to the Historic Preservation Committee.

(2) Application Review by Historic Preservation Committee. Upon receipt of an application for a certificate of appropriateness involving the exterior of a designated structure, site or property within a historic district, the Historic Preservation Committee shall review the application at its next regular meeting. The Historic Preservation Committee shall determine if the proposed work would not detrimentally change, destroy or adversely affect any feature of the improvement, would harmonize with the external appearance of the neighboring sites, and, if in a historic district, would conform to the established preservation plan objectives and design criteria. The Historic Preservation Committee shall approve or deny the issuance of a certificate of appropriateness within 30 days. The Historic Preservation Committee may attach certain conditions to its approval. The building services supervisor shall issue a certificate of appropriateness after approval.

(3) Denial of Application. If an application for a certificate of appropriateness is denied, the Historic Preservation Committee shall cooperate and work together with the applicant in an attempt to obtain approval within the guidelines of this Article.

(4) Criteria for Existing Structures and Sites. Criteria for construction or alteration of existing structures shall be as follows:

(a) The Secretary of the Interior's Standards for Historic Rehabilitation, as revised, shall apply to reconstruction and alteration to existing structures. The current standards are as follows:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(b) The Historic Preservation Committee may recommend to the Plan Commission additional guidelines or criteria which are in conformance with generally accepted historic preservation principles.

(5) New Construction. Criteria for new construction shall be as follows:

(a) The criteria for new construction in historic districts shall be:

1. The mass, volume, height, roof type, materials, size and setback of proposed structures should appear to be compatible with existing buildings in the immediate area.

2. The facade of new structures should maintain a compatible relationship with those of existing structures in terms of windowsill or header lines, proportion of window and door openings, horizontal or vertical emphasis of major building elements, and extent of architectural detail.

3. The building materials and colors used should complement and be compatible with other buildings in the immediate area.

4. The sizing, design and placement of signs should fit the building and the adjacent structures.

5. All landscaping and parking provisions should complement and be compatible with improvements in the immediate area.

(b) The Historic Preservation Committee may recommend to the Plan Commission additional guidelines or criteria which are in conformance with generally recognized historic preservation principles.

(ORD 1240, 11/13/12)

Section 18-144: Demolition

Demolition of locally designated historic building sites and improvements within a historic district shall be in accordance with the following:

(1) Demolition Permit Required. No person shall demolish all or part of a historic structure or structure within a historic district or destroy all or part of a historic site unless the Historic Preservation Committee recommends and the Plan Commission approves such work and the building services supervisor issues a permit to raze.

(2) Demolition Permit Application. Upon receipt of an application for a permit to demolish a historic property, the Committee may recommend that the Plan Commission deny approval for a period of up to 12 months, during which time the Committee and the applicant, in good faith, shall attempt to find a means by which to save such property from demolition.

(3) Demolition Permit Issuance Procedure. If at the end of 12 months, no mutually agreeable method of saving the property is underway, or no funds have been granted to preserve the property, the building services supervisor may issue a demolition permit without the approval of the Plan Commission.

(ORD 1240, 11/13/12)

Section 18-145: Appeals

An appeal of any Plan Commission action relating to the regulation of construction, reconstruction or exterior alteration or the regulation of demolition may be initiated by filing a petition to appeal, specifying the grounds for such appeal, with the City Clerk prior to the date on which the Council is scheduled to approve the Plan Commission action. The City Clerk shall file the petition to appeal with the Council and the Council shall schedule a public hearing after which the Council may, by a favorable vote of 2/3 of its members, reverse or modify the decision of the Plan Commission. In modifying or reversing a decision of the Plan Commission, the Council shall find that owing to special conditions, the decision of the Plan Commission would cause serious hardship to the property owner or preclude reasonable use of the property. Self-created hardship or expectation of increased economic return shall not be the basis for modifying or reversing a decision of the Plan Commission.

(ORD 1240, 11/13/12)

Section 18-146: Conditions Dangerous to Life, Health, or Property

Nothing contained in this article shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any historic structure, any improvement on a historic site or in a historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the commission shall be required.

(ORD 1240, 11/13/12)

Sections 18-147 to18-149: Reserved

ARTICLE X: ADMINISTRATION AND PROCEDURES

Section 18-150: Purpose

The purpose of this Article is to establish responsibilities for the administration of this Chapter, and the enforcement procedures and penalties for non-compliance with the provisions of this Zoning Ordinance. The purpose of this Article is also to establish procedural requirements for zoning text amendments, zoning map amendments, and various development approvals under this Chapter, including conditional use permits, temporary use permits, variances, certificates of occupancy, and site plan review and approval.

(ORD 1240, 11/13/12)

Section 18-151: Exempt Activities

The following activities do not require review or approval by the City.

(1) The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right of way.

(2) Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal or construction on established rights-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(3) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or decoration of the exterior of the structure (but does not otherwise materially affect the external appearance of the structure).

(4) The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.

(5) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products outdoors or for other agricultural purposes except the growing or storage of livestock.

(6) A change in use of land or structure from one permitted use to another permitted use involving no physical site changes.

(7) Official public information street graphics installed by or at the direction of a governmental unit.

(ORD 1240, 11/13/12)

Section 18-152: Zoning Administrator

The Zoning Administrator, and/or other designee of the City Administrator, is hereby designated as the administrative and enforcement officer(s) for the provisions of this Chapter. The general duty of the Zoning Administrator is to interpret and administer this Chapter. The Zoning Administrator shall also have the following specific duties and responsibilities:

(1) Maintain permanent and current records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, occupancy permits, variances, appeals, interpretations, and applications thereof.

(2) Receive, review, analyze, and develop written reports on all applications for land use permits, certificates of occupancy, appeals, variances, amendments to this Chapter, or other development matters.

(3) Serve as an ex-officio nonvoting member of the Plan Commission and the Zoning Board of Appeals.

(4) Issue land use permits and certificates of occupancy when the requirements of this Chapter have been met, and make and maintain records thereof.

(5) Along with any authorized agent, issue citations for the enforcement of this Chapter and nuisances under Chapter 11 of the Municipal Code.

(6) Coordinate official development review processes among government offices to the extent feasible.

(7) Conduct inspections to determine compliance with the terms of this Chapter and to take remedial action when required.

(8) Make interpretations regarding the provisions of this Chapter per Section 18-169.

(9) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters. The Zoning Administrator shall give notice of all violations of this Chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the City Attorney in a manner specified by him.

(ORD 1240, 11/13/12)

Section 18-153: Development Review Team

(1) The Development Review Team is comprised of appropriate City Staff that may include the Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, the Marshfield Fire Department, and such other departments as determined by the Planning and Economic Development Department.

(2) Development review is implemented under municipal authority to promote the public health, safety, and welfare. More specifically, development review is intended to enhance the aesthetic environment and ensure that larger development projects are compatible with neighboring properties and existing development elsewhere in the City of Marshfield.

(3) See Figure 18-157 for a summary of the Development Review Team's role in administering this Chapter.

(ORD 1240, 11/13/12)

Section 18-154: Plan Commission

(1) The Plan Commission, together with its other statutory duties, shall make recommendations relating to the planning and development of the City to the Common Council, other public officials, and other interested organizations and citizens.

(2) The Plan Commission in the performance of its functions may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(3) Under this Chapter, its functions are primarily recommendatory to the Common Council pursuant to guidelines set forth in this Chapter as to various matters, and, always being mindful of the intent and purposes of this Chapter.

(ORD 1240, 11/13/12)

Section 18-155: Common Council

The Common Council, the governing body of the City, subject to recommendations by the Plan Commission, has ultimate authority to make changes and amendments to this Zoning Ordinance and the Official Zoning Map.

(ORD 1240, 11/13/12)

Section 18-156: Zoning Board of Appeals

A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in the enforcement of this Chapter.

(1) Membership. The Board shall consist of 5 members appointed by the mayor subject to confirmation of the Council for terms of 3 years. The members of the Board shall receive no compensation for their

services, except they may be authorized repayment of any out-of-pocket expenses necessarily incurred in relation to their assigned duties. Board members shall be removable by the mayor for cause upon written changes and upon public hearing. The mayor shall designate one of the members chairman. Vacancies shall be filed for the unexpired terms of members whose terms become vacant. The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such Board, in addition to the 5 members provided for in this Subsection. Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

(2) Meetings. Meetings of the Board shall be held at least once a month, unless there is nothing to come before it. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board and vote of each member upon each question considered. The presence of 4 members shall be necessary to constitute a quorum. Special meetings shall be called by the chairman. No special meeting of the Board of Appeals shall be called to hear any appeal at the request of any appellant unless such appellants shall have each first paid to the finance director an appeal fee as prescribed in section 18-31(4).

(3) Powers. The Board of Appeals shall have the following powers:

(a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement, administration, or interpretation of this Chapter.

(b) Hear and decide special exceptions to the terms of this Chapter upon which the Board is required to pass.

(c) To authorize upon appeal in specific cases such variances from the terms of this Chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done. The Board may not permit as a variance any use that is not permitted under this Chapter for property in the zoning district where the affected person's land is located.

(4) Attach conditions of approval to any action described under this section, in furtherance of the general purpose and intent of this Chapter.

(5) Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of this Chapter as shown on the Official Zoning Map where the actual street layout on the ground varies from the street layout on the aforesaid map.

(6) The Zoning Board of Appeals shall have the power to call on any other City department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.

(7) In exercising the above listed duties and responsibilities, the Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination of the Zoning Administrator or other administrative officer from whom the appeal is taken. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision, or determination for which an appeal has been requested.

(ORD 1240, 11/13/12)

Section 18-157: Review and Approval Required

Review procedures vary depending on the type of request; however, procedures within this Article generally adhere to 3 common elements:

(1) Submittal of a complete application, including fee payment and appropriate supplemental information.

(2) Review by appropriate City staff and/or officials.

(3) Action by appropriate City officials or staff to approve, conditionally approve, or deny the request.

(4) Figure 18-157 summarizes the procedures, agencies, and personnel involved in the various procedures authorized by this Chapter. Detailed procedures are discussed in Sections 18-159 through 18-171 of this Article. Figure 18-157 is provided as a convenience for the Zoning Administrator and general public. Where there are conflicts between the text of this Chapter and Figure 18-157, the text shall prevail.

Figure 18-157: Review and Approval Activities and Bodies

Application Process	Review and Approval Bodies				
	City Staff	Dev. Review Team	Plan Commission	Common Council	Zoning Board of Appeals
Zoning Ordinance Amendment (Section 18-159)	RE	—	PH, RR	RE, A	—
Zoning Map Amendment (Section 18-160)	RE	—	PH, RR	RE, A	—
Conditional Use Permit (Section 18-161)	RE	—	PH, RR	RE, A	—
Temporary Use Permit (Section 18-162)	RE, as necessary	—	—	—	—
Land Use Permit (Section 18-163)	RE, I	—	—	—	—
Site Plan (Section 18-164) (3-8 unit res./ nonres. under 50,000 sq ft)	RE, I	RE	—	—	—
Group and Large Development (Section 18-161) - Regulated as a Conditional Use (9-24+ unit res./nonres. 50,000 sq ft and over)	RE	RE	PH, RR	RE, A	—
Campus Development (Section 18-166)	RE	RE	PH, RR	RE, A	—
Planned Development (Section 18-167)	RE	RE	PH, RR	RE, A	—
Interpretation (Section 18-169)	RE, A	—	—	—	—
Variance (Section 18-165)	RE	—	—	—	PH, RE, A
Appeal (Section 18-170)	RE	—	—	—	PH, RE, A
Violations and Penalties (Section 18-171)	RE, A	—	RE, A	—	—
Building Permit	Per Chapter 15 of the City Code of Ordinances				
Certificates of Occupancy	Per Chapter 15 of the City Code of Ordinances				
Sign Permit	Per Chapter 24 of the City Code of Ordinances				
A = Action I = Issues Permit PH = Public Hearing RE = Review and Evaluate RR = Review and Recommend					

(ORD 1240, 11/13/12)

Section 18-158: Public Hearings

In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Chapter.

(1) Notice of any public hearing which the Council, Plan Commission, or Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of hearing, and the matter to be presented at the hearing.

(2) The notice for variances and conditional uses shall be published as a Class 1 notice.

(3) The notice for zoning ordinance amendments and zoning map amendments shall be published as a Class 2 notice.

(4) The notice of public hearing shall be published in a newspaper of general circulation in the City of Marshfield at least one week before the public hearing.

(5) Notice of the public hearing shall be mailed to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands, within the City Limits, lying within 200 feet of lands included in the petition; and the owner or operator of an airport lying within 3 miles of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by any of the aforementioned bodies. If the proposed amendments have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the amendments or a description of the property affected by the amendments and a statement that a map may be obtained from the City Clerk.

(6) Except for hearings required for a zoning ordinance amendment, such request for a hearing shall be presented to the City Clerk in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee in accordance with the City fee schedule, payable to the City, to defray the cost of notification and holding of a public hearing.

(ORD 1240, 11/13/12, ORD 1277, 5/13/14)

Section 18-159: Zoning Ordinance Amendment

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the provisions of this Chapter. Refer also to the requirements of Wisconsin Statutes 62.23(7)(d).

(2) Initiation of Request for Amendment. Proceedings for amendment of this Chapter may be initiated by: an application by any member of the general public; a recommendation by the Plan Commission to the Common Council; or by action of the Common Council.

(3) Application Requirements. An application to amend the regulations of this Chapter shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):

   (a) A copy of the portion of the current provisions of this Chapter which are proposed to be amended.

   (b) A copy of the text which is proposed to replace the current text.

   (c) As an optional requirement, the applicant may provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.

   (d) Any further information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Common Council.

(4) Review by the Zoning Administrator.

   (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Advances the purposes of this Chapter as outlined in Section 18-03.
2. Advances the purposes of the general Article in which the amendment is proposed to be located.
3. Advances the purposes of the specific Section in which the amendment is proposed to be located.
4. Is in harmony with the recommendations of the Comprehensive Plan.
5. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
6. Addresses any of the following factors that may not be addressed in the current zoning text:
   a. A change in the land market, or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
   b. New methods of development or types of infrastructure.
   c. Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
   d. Errors, omissions, corrections, and clarification of regulations.
7. The Zoning Administrator shall prepare a written report addressing items listed in 4(b) 1-6 above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(5) Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 18-158 to consider the request.

(6) Review and Recommendation by the Plan Commission.

(a) Within 60 days of the public hearing, the Plan Commission may make a written report to the Common Council and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b)2, above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.

(b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements so Section 18-158.

(7) Review and Action by the Common Council.

(a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Common Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the applicant.

(b) The Common Council may take final action (by ordinance) on the application at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.

(c) If the Common Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. Any action to amend the provisions of proposed amendment requires a majority vote of the Common Council. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment. Any action to amend the Zoning Ordinance requires a two-thirds vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change duly signed and acknowledged by the owners, shall meet the requirements of Wis. Stats, 62.23(7)(d)(2m)(a).

(8) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(ORD 1240, 11/13/12, ORD 1277 5/13/14, ORD 1278 5/13/14)

Section 18-160: Zoning Map Amendment

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map (rezonings).

(2) Initiation of Request for Amendment. Proceedings for amendment of the Official Zoning Map may be initiated by an application of the owner(s) of the subject property; a recommendation of the Plan Commission; or by action of the Common Council.

(3) Application. An application to amend Official Zoning Map shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):

(a) A map of the subject property to scale depicting:

1. All lands for which the zoning is proposed to be amended and all other lands within 100 feet of the boundaries of the subject property.
2. Names and addresses of the owners of all lands on said map as they appear on the current tax records of the City of Marshfield.
3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
4. All lot dimensions of the subject property.
5. A graphic scale and north arrow.

(b) Legal description of the property.

(c) Written justification for the proposed Official Zoning Map amendment, including evidence that the application is consistent with the Comprehensive Plan.

(d) Any further information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Common Council.

(4) Review by Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Advances the purposes of this Chapter as outlined in Section 18-03 and the applicable rules of Wisconsin Department of Administration (WisDNR) and the Federal Emergency Management Agency (FEMA).
2. Is in harmony with the recommendations of the Comprehensive Plan.
3. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
4. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
    a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
    b. A mapping mistake was made. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.
    c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
    d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.

(c) The Zoning Administrator shall prepare a written report addressing items in 4(b)4., above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(5) Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 18-158 to consider the request.

(6) Review and Recommendation by the Plan Commission.

(a) Within 60 days of the public hearing, the Plan Commission may make a written report to the Common Council and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b)4, above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.

(b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements so Section 18-158.

(7) Review and Action by the Common Council.

(a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Common Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or applicant.

(b) The Common Council may take final action (by ordinance) on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.

(c) If the Common Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment. Any action to amend the Official Zoning Map requires a two-thirds vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change duly signed and acknowledged by the owners, shall meet the requirements of Wis. Stats. 62.23(7)(d)(2m)(a).

(8) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(ORD 1240, 11/13/12, ORD 1278 5/13/14)

Section 18-161: Conditional Use Permit Procedures

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.

(2) Applicability. There are certain uses, which because of their unique characteristics make impractical the predetermination of permissibility. In these cases, specific standards, regulations, or conditions may be established.

(3) Limited Conditional Use. Limited conditional uses are those in which the Common Council has found that any of the following should be of lesser permanence than regular conditional uses, and the duration or term of existence may be established until time certain or be limited to a future happening or event at which time the same shall terminate:

(a) Their particularly specialized nature.

(b) Their particular locations within a district.

(c) The peculiar unique relationships or needed compatibility of uses to involved individuals.

(d) Any other reason(s) the Common Council deems specially relevant and material to delimit the scope thereof.

(4) Initiation of Request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) or authorized representative of the subject property.

(5) Application. An application for a conditional use permit shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):

(a) A map of the subject property to scale depicting:

1. All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.

2. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Wood or Marathon County.

3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.

4. All lot dimensions of the subject property.

5. A graphic scale and a north arrow.

(b) Written description of the proposed conditional use including the type of activities, buildings, structures, and off-street parking proposed for the subject property and their general locations.

(c) A site plan of the subject property if proposed for development conforming to all requirements of Section 18-164. If the proposed conditional use is a group or large development (per Section 18-114), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan.

(d) Written justification for the proposed conditional use, including evidence that the application is consistent with the Comprehensive Plan.

(6) Review by Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator may coordinate review with the City's Development Review Team.

(c) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Is in harmony with the recommendations of the Comprehensive Plan.

2. Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.

3. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

4. The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

5. The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

(d) The Zoning Administrator shall prepare a written report addressing items (6)(c)1.-5. above, to be forwarded to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(7) Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 18-158 to consider the request.

(8) Review and Recommendation by the Plan Commission.

(a) Within 60 days after the public hearing, the Plan Commission may make a written report to the Common Council, and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (6)(c)1.-5. above.

(b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements so Section 18-158.

(9) Review and Action by Common Council.

(a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed conditional use. The Common Council may request further information and/or

additional reports from the Plan Commission, Zoning Administrator, applicant, and/or from any other source.

(b) The Common Council may take final action (by resolution) on the application at the time of its initial meeting or may continue the proceedings at applicant's request. The Common Council may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, or may deny approval of the proposed conditional use.

(c) If the Common Council fails to make a decision within 90 days of the public hearing, the application shall be considered approved, unless an extension is granted in writing by both Applicant and the City.

(10) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(11) Revocation of an Approved Conditional Use. Upon approval by the Common Council, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 18-164. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Common Council, following a public hearing and recommendation by the Plan Commission.

(12) Time Limits on the Development of Conditional Use. Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Common Council and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, "operational" shall be defined as the granting of a certificate of occupancy for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Common Council and shall be based upon a showing of acceptable justification (as determined by the Common Council). However, as a condition of approval, the 365 and/or 730 day time limits may be extended for any specific period including not time limit to accommodate phased or multi-stage development.

(13) Discontinuing an Approved Conditional Use. Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(14) Change of Ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property; however, submittal of a plan of operation may be required prior to the change in ownership.

(15) Amendments. Modification, alteration, or expansion or a previously approved conditional use shall require a public hearing, review by Plan Commission, and approval by the Common Council unless otherwise stated within the Chapter. The following are except from this requirements:

(a) A modification, alteration, or expansion which has been approved as part of a prior valid condition use does not require a new conditional use approval.

(b) Minor amendments to the site plan, such as small additions to structures and parking areas that are 1,200 square feet or less, new accessory structures that are 1,200 square feet or less, moving the location of structures or parking areas a short distance and changes to the outdoor display area, outdoor storage areas and uses, and landscape or lighting plans, may be approved administratively, provided the conditions of the conditional use permit, regulations for design and performance standards, and the bulk regulations for the underlying zoning district are met.

If the changes are determined to be significant or have the potential to adversely impact adjacent properties, the Zoning Administrator may require the conditional use permit to be amended following the procedures of Section 18-161.

(16) Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City with the Register of Deeds for the subject property.

(17) Formerly Approved Conditional Uses. A use which was approved as a conditional use, prior to the effective date of this Chapter, shall be considered as a legal, conforming land use. Any modification of the previously approved conditions of use or site plan shall be reviewed under Section 18-161.

(ORD 1240, 11/13/12; ORD 1295 3/10/15)

Section 18-162: Temporary Use Permit Procedures

(1) Purpose. The purpose of this Section is to provide regulations that govern temporary uses. All temporary uses are required to meet the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.

(2) Review and Approval by the Zoning Administrator. There is no formal application requirement or process for temporary uses. However, temporary uses have the potential to create undesirable impacts on nearby properties that cannot be determined except on a case-by-case basis. In order to address unforeseen circumstances, the Zoning Administrator may require an applicant to submit materials including:

(a) A map of the subject property to scale depicting:

1. All lands for which the temporary use is proposed and all other lands within 100 feet of the boundaries of the subject property.
2. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control
3. All lot dimensions of the subject property.
4. A graphic scale and a north arrow.

(b) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(c) A site plan of the subject property. Said site plan shall conform to any and all the requirements of Section 18-164.

(d) Additional information as may be required by the Zoning Administrator.

(ORD 1240, 11/13/12)

Section 18-163: Land Use Permit Review and Approval Procedures

(1) Purpose. The purpose of this Section is to specify the requirements and procedures for the issuance of land use permits by the City Engineer or Zoning Administrator and to determine if other procedures are needed per the requirements of this Article. A land use permit may be waived if other application processes are necessary, including some instances of building permits, site plans, and conditional use permits.

(2) Applicability. A land use permit shall be required for any of the following activities:

(a) Single family and two family residential uses on individual lots in any zoning district.

(b) Residential accessory buildings.

(c) A change in type of use of a structure or land, except from a permitted use to another permitted use.

(d) A reconstruction or alteration of the size in the external appearance of an existing structure or land.

(e) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.

(f) Commencement of mining or excavation on a parcel of land.

(g) Demolition or moving of a structure required by this Chapter or Chapter 19 Subdivision and Platting of the City of Marshfield Code of Ordinances.

(h) Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land.

(i) Alteration of a shore, bank, or floodplain of a stream, lake, pond, or artificial body of water.

(j) Reestablishment of a nonconforming or conditional use which has not been utilized for one year.

(k) Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of this chapter granting the development permission under which the development was commenced or is continued.

(l) Earth fill or other filling activities for the purpose of raising the elevation of a lot or site for the purposes of future development.

(m) Temporary cranes that encroach into the HLZO district.

(3) Application. Applications for a land use permit contain all of the following, if applicable (digital files should be submitted rather than paper copies whenever possible, if applicable):

(a) Name and address of the applicant, owner of the site, architect, professional engineer and contractor.

(b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds.

(c) Address of the subject site.

(d) Type of structure.

(e) Existing and proposed operation or use of the structure or site.

(f) Number of employees.

(g) Zoning district within which the subject site lies.

(h) A map of the subject property to scale depicting:

1. Location, boundaries, dimensions, uses and size of the following:

a. Subject site.

b. Existing and proposed structures.

c. Existing and proposed easements.

d. Streets and other public ways.

2. Off-street parking, loading areas, and driveways.

3. Existing highway access restrictions.

4. High water, channel floodway, and floodplain boundaries.

5. Existing and proposed street, side, and rear yards.

(i) Additional information as may be required by the City Engineer or Zoning Administrator.

(4) Review and Action by City Engineer/Zoning Administrator. A land use permit shall be granted or denied by the City Engineer or Zoning Administrator in writing within 30 days of the application, and

the applicant shall post such permit in a conspicuous place at the site. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

(5) Time Limits on Land Use Permits. The work must begin within one year of approval and be completed within 2 years. Time limits for Conditional Use Permits and Variances may be established at the time of approval. All other permits shall meet the timelines required at the time of issuance as listed elsewhere in this chapter.

(ORD 1240, 11/13/12; ORD 1293 1/13/15)

Section 18-164: Site Plan Review and Approval Procedures

(1) Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land uses and development activity complies with the requirements of this Chapter.

(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (4)(c) through (i) including redevelopment, expansion, and new uses under 50,000 square feet and 3-8 unit residential development, except for the following:

(a) Group and Large Developments.

(b) Residential accessory buildings, decks, and landscape features.

(c) Fences.

(d) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Article IX, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.

(e) Uses within a Campus Master Plan in a Campus Development zoning district in accordance with the procedures of Section 18-166.

(3) Pre-Application Conference. Prior to formal submittal of a site plan application, it is recommended that the applicant confer with the Zoning Administrator in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.

(4) Application. A site plan application may be considered complete if it contains all of the following, unless specific application requirements are waived in writing by the Zoning Administrator. Maps depicting the following information shall be prepared (digital files should be submitted rather than paper copies whenever possible, if applicable).

(a) Written description of the intended use describing in reasonable detail the following:

1. Existing zoning district(s) and proposed zoning district(s), if different.

2. Existing and proposed land uses.

3. Projected number of residents, employees, and/or daily customers.

4. Proposed number of dwelling units and density.

5. Demonstration of compliance with the applicable standards and requirements of this Chapter.

6. Demonstration of compliance with the City's land dedication requirements per Chapter 19 Subdivision and Platting of the Municipal Code.

7. Demonstration of consistency with the Comprehensive Plan.

8. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

9. Fencing materials (Section 18-106).
10. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

(b) A small location map showing the subject property and illustrating its relationship to the nearest street intersection.

(c) Pre-Development Site Information.

1. Legal description of the subject property.
2. Existing property lines and setback lines.
3. Existing structures and paved areas.
4. Existing right of way lines with bearings and dimensions clearly labeled.
5. Existing easements and utilities.
6. Existing and proposed topography with a maximum contour interval of 2 feet, except where existing ground is on a slope of less than 2 percent where one foot contours shall be shown.
7. The outer edges of all natural resource areas (i.e. floodplains, shorelands, wetlands, drainageways, woodlands, steep slopes).

(d) Proposed Post-Development Site Information.

1. Property lines and setback lines.
2. Location of all proposed structures and use areas, including paved areas, building entrances, walks, drives, decks, patios, fences, utility poles, and drainage facilities.
3. Proposed right of way lines with bearings and dimensions clearly labeled.
4. Proposed access points onto public streets and access drives on the subject property.
5. Location and dimension of all on-site parking (and off-site provisions if they are to be employed), including a summary of the number of parking stalls provided.
6. Location of all proposed parking and traffic circulation areas.
7. Location and configuration of all visibility triangles proposed on the subject property.
8. Location and dimension of all loading and service areas on the subject property.
9. Location of all outdoor storage areas and the design of all screening devices.
10. Location and type of all stormwater facilities and management approach to be employed.
11. Location of snow storage areas, except for single family and two family residential.
12. Proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
13. Location, type, height, size, and lighting of all signage on the subject property.
14. In the legend, include the following data for the subject property: lot area, flood area, floor area ratio, impervious surface area, impervious surface ratio, and building heights.

(e) Detailed Landscaping Plan. If required, a landscape plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Article VIII.

(f) Grading and Erosion Control Plan. Depicting existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the City Engineer.

(g) Elevation Drawings.

1. Elevations of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment.
2. Depict exterior materials, texture, color, and overall appearance.
3. Perspective renderings of the proposed project and/or photos of similar structures may also be submitted, but not in lieu of drawings showing the actual intended appearance of the building(s).

(h) Photometric Plan.

1. Location, type, height, design, illumination power, and orientation of all exterior lighting on the subject property.
2. Impact of lighting across the entire property to the property lines rounding to the nearest 0.10 foot candles, and depicting an illumination limit of 0.50 foot candles. The 0.50 foot candle line cannot extend beyond the property line.

(i) Operational Plan.

1. Describe the proposed hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
2. Procedures for snow removal, except for single and two family residential.

(5) Review and Approval by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall coordinate review with the City's Development Review Team.

(c) The Zoning Administrator shall review and approve or deny the site plan.

(ORD 1240, 11/13/12)

Section 18-165: Variances

(1) Purpose. The purpose of this Section is to provide regulations which enable the City to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes 62.23(7)(e)(7).

(2) Initiation of Request for Approval of a Variance. Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) or their authorized agent of the subject property.

(3) Application. Variance applications shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):

(a) A map of the subject property depicting:

1. All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.
2. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Wood or Marathon County.
3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
4. All lot dimensions of the subject property.

5. A graphic scale and a north arrow.

(b) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 18-164.

(c) Written description of the proposed variance, including the type of specific requirements of the variance proposed for the subject property and evidence that the application is consistent with the Comprehensive plan.

(4) Review by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the application and prepare a written report including the following:

1. Evaluate whether the request is in harmony with the recommendations of the Comprehensive Plan.

2. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review.

(5) Public Hearing. Within 30 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 18-158 to consider the request.

(6) Review and Action by the Zoning Board of Appeals.

(a) Within 30 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings per the following based on Wis. Stats. 62.23(7)(e)7:

1. The variance will not be contrary to the public interest.

2. Substantial justice will be done by granting the variance.

3. The variance is needed so that the spirit of the ordinance is observed.

4. Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.

(b) The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration.

(c) If the Zoning Board of Appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.

(7) Effect of Denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(8) Limited Effect of a Variance. Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

(9) Stay of Proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by

a restraining order which may be granted by the Zoning Board of Appeals, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown. State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.

(ORD 1240, 11/13/12)

Section 18-166: Process to Establish Campus Development Zoning

(1) The following shall govern the procedure and requirements for the review and approval, or denial, of proposed Campus Developments. This district is intended to recognize the presence and importance of large-scale governmental, office, educational, medical, and research and development facilities in the City; to facilitate their development; and to coordinate their futures with those of their neighbors and the community as a whole. The procedure to rezone to a Campus Development district shall follow the Zoning Map Amendment procedure included in Section 18-160, except that the Campus Development procedure shall be subject to the following additional requirements.

(a) Step 1: Campus Master Plan Preparation.

1. The Applicant shall prepare a draft Campus Master Plan (CMP) based on the requirements in Section (3) below.

(b) Step 2: Zoning Administrator and Development Review Team Review.

1. The Applicant shall provide the Zoning Administrator with a draft CMP for a determination of completeness prior to placing the proposed Campus Development on the Plan Commission agenda for review.
2. The Zoning Administrator shall notify the Applicant of the determination of completeness within 5 business days of receiving it.
3. The Zoning Administrator shall coordinate review with the City's Development Review Team (DRT). The DRT may make a recommendation to the Plan Commission.
4. Following his/her review, the Zoning Administrator shall publish a Class 2 notice for a public hearing and place the item on an upcoming Plan Commission agenda.

(c) Step 3: Plan Commission Review.

1. The Plan Commission shall review the draft CMP and make a recommendation to the Common Council within 60 days after referral to the Commission. This deadline may be extended as requested by the applicant.
2. The Plan Commission shall follow the Zoning Map Amendment procedure per Section 18-160.
3. The Plan Commission may specify other plans, documents, or information that must be submitted prior to consideration or approval of the CMP, as such may be relevant to review.

(d) Step 4: Common Council Review and Action.

1. The Common Council shall follow the Zoning Map Amendment procedure per Section 18-160.
2. The Common Council shall take action on the CMP and rezoning to the Campus Development Zoning District within 60 days of Plan Commission recommendation. This deadline may be extended as requested by the applicant.

(2) After CMP Adoption: Campus Master Plan Implementation.

(a) Following Common Council approval of the CMP and rezoning to the Campus Development Zoning District, the implementation process will vary based on the particular land use.

1. Minor Site Work and Signage consistent with the CMP: Staff level review and approval following the requirements for site plan approval per Section 18-164.

2. Permitted Land Uses consistent with the CMP: Staff level review and approval following the requirements for site plan approval per Section 18-164.

3. Conditional Land Uses: Following the requirements for conditional uses per Section 18-161.

(b) Campus Master Plan Update: CMPs shall be updated every 5 years following the steps for approval of the original Plan as outlined in this Section. If there is no change to the Plan after 5 years, the Plan update may be approved by the Plan Commission without holding a public hearing.

(c) A Campus Master Plan may be amended at any time following the procedures set forth in the approval of the original plan as outlined in this Section.

(3) Development in the Absence or Expiration of a Campus Master Plan: In the absence of an approved CMP, or within an expired CMP, any development within the Campus Development zoning district shall be regulated as a conditional use.

(4) In addition to the notification requirements for a conditional use permit, all property owners within the Campus Development zoning district shall be notified of a conditional use permit application within the same district.

(5) Campus Master Plan Requirements.

(a) Property owners within the Campus Development zoning district may produce a CMP, and apply for its review and consideration by the City. CMPs approved by the City are intended to establish the fully legal zoning status of existing development and land uses and to simplify the review of new development and land uses within a campus. The required components of a CMP shall include (digital files should be submitted rather than paper copies whenever possible):

1. A Campus Existing Conditions and Proposed Plan Graphics which shall be provided in hard copy and digital format and include the following:

a. A common measureable scale. Said scale shall be provided as a bar scale on the face of the graphic.

b. Boundary of the campus, clearly divided into a Central Campus Area and a Peripheral Campus Area. The boundary between the Central Campus Area and the Peripheral Campus Area may vary from parcel lines.

c. Existing structures, paved areas, stormwater management facilities, rights-of-way, and other significant exterior development features identified by the City depicted on a map and identified in a numbered key. A clearly labeled and latest available air photo may be used to meet this requirement.

d. Proposed structures and permitted and conditional uses per Section 18-54, paved areas, stormwater management facilities, rights-of-way, and other significant exterior development features identified by the City depicted on the map and identified in a numbered key.

2. A Campus Existing Development Inventory, in tabular format, which shall provide the following details about the existing development depicted on the Campus Existing Conditions Graphic:

a. Index number for each structure and facility depicted on the graphic.

b. Name of each structure and facility.

c. Footprint area for each structure.

d. Gross floor area for each structure.

e. Surface area for each facility.

f. Listing of land uses (based on Section 18-54) for each structure and facility.

g. Parking space count for each parking lot and on-street parking area.

h. Capacity for each stormwater basin.

i. Maximum height and number of floors for each structure.

j. Setbacks of each structure and paved area from property lines which do not meet the setback requirements of the current zoning district.

k. Other existing conditions identified by the City specific to each campus.

3. A Campus Plan Development Inventory, in tabular format, which shall provide the following details about the proposed development depicted on the Campus Plan Graphic, in addition to the details of existing development proposed to remain:

   a. a. through k. in Subsection 2., above, for all existing development proposed to remain.

   b. a. through k. in Subsection 2, above, for all proposed development.

   c. An evaluation of the surplus or deficit of parking spaces for each proposed structure or facility, and for the campus as a whole.

   d. An evaluation of the surplus or deficit of stormwater management facilities for each proposed structure or facility, and for the campus as a whole.

4. A Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the City if deemed necessary by the City Engineer.

5. Parking requirements for existing, modified, expanded and new land uses and facilities may be reduced below those required in Section 18-103 if the Campus Master Plan contains an optional Master Parking Study with an approved Campus Parking Ratio. The Master Parking Study shall include the following:

   a. A complete inventory of off-street and on-street parking spaces within the Campus;

   b. Documentation of the number and location of typical unused on-street and off-street parking spaces at the time of maximum daily peak parking demand; and

   c. The current ratio of such peak parking demand in the Campus Existing Conditions Graphic to:

      i. The number of employees at same time; and

      ii. Gross Floor Area for current development; or

      iii. Other method of establishing a measureable, accurate and reasonable ratio as approved by the City.

   d. Identification of a required ratio of peak parking demand for future development in the Campus Plan Graphic.

   e. Any significant land use changes within the Campus may require an updated Master Parking Study as determined by the City.

6. Exterior signage for existing, modified, expanded, and new land uses and facilities may be increased in number, area, and/or configuration above those permitted in Chapter 24 if the Campus Master Plan contains an optional Master Signage Plan with approved alternative campus signage regulations. The Master Signage Plan shall include:

   a. A complete inventory of all existing and proposed exterior signage within the Campus. All existing exterior signage shall be designated legal conforming.

   b. Signage rules specific to the Campus which regulate:

      i. The maximum number of freestanding signs permitted for each building or parcel within the campus.

      ii. The maximum area of freestanding signs used within the Campus in relation to

a specific street frontage ratio and the absolute maximum sign area, height limits and location requirements for individual freestanding signs.

iii. The maximum number of on building signs permitted for each building within the campus.

iv. The maximum area of on-building signs used within the Campus in relation to a specific building wall length ratio and the absolute maximum area limit and location requirements for individual on-building signs.

v. Area, height and location of pedestrian-scale directional signage within the Campus.

vi. Area, height and location of driver-oriented directional signage within the Campus.

vii. Area, height and location of primary campus identification signs within the Campus, as well as specified approved locations for each sign.

c. The Zoning Administrator may approve minor changes to the Master Signage Plan.

d. Changes to the sign message and/or appearance which do not alter the size of an exterior sign are permitted by right.

7. A Conceptual Landscaping Plan for the Campus Existing Conditions Graphic and Campus Plan Graphic depicting:

a. Location and number of existing landscaping features.

b. General location and type of proposed landscaping features.

c. Bufferyards as required in Article VIII.

d. Other requirements specific to the Campus as deemed appropriate by the City.

(ORD 1240, 11/13/12)

Section 18-167: Planned Developments

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedures for the review and approval, or denial, or proposed Planned Developments.

(2) Initiation of Request. Proceedings for approval of a Planned Development may be initiated by any of the following:

(a) An application by the owner(s) of the subject property;

(b) A recommendation of the Plan Commission to the Common Council; or

(c) By action of the Common Council.

(3) Procedure for Planned Development Approval. The procedure for zoning to a Planned Development (PD) district shall follow the Zoning Map Amendment procedure included in Section 18-160, except that the Planned Development procedure shall be subject to the following additional requirements.

(a) Pre-Application Conference. Prior to formal petition for zoning to a PD district, the applicant shall confer with appropriate City staff in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the requirements for processing. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.

(b) Optional Concept Plan Review. Upon completion of the pre-application conference, described above, the applicant may decide to prepare an optional conceptual plan for review by the Plan Commission.

1. At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the concept plan. Appropriate topics for discussion may include the any of the information provided in the concept plan, or other items as determined by the Plan Commission. Points of discussion and conclusions reached at this stage of the process shall be in no way be binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see (3), below).
2. The concept plan submittal shall include the following items (digital files should be submitted rather than paper copies whenever possible).
   a. A location map of the subject property and its vicinity.
   b. A general written description of the proposed PD, including:
      i. General project themes and images.
      ii. The general mix of dwelling unit types and/or land uses.
      iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
      iv. General treatment of natural features.
      v. Relationship to nearby properties and public streets.
      vi. Relationship of the project to the Comprehensive Plan.
      vii. Description of potentially requested exemptions from the requirements of this Chapter. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.
   c. A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.
   d. The Plan Commission shall accept the concept plan and inform the applicant to move on to the next step in the PD process, General Development Plan.

(c) General Development Plan Review. Upon acceptance of the Concept Plan by the Plan Commission, the applicant shall submit a General Development Plan (GDP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the GDP may be placed on the Plan Commission agenda for review. The GDP establishes the zoning for the property.

1. The GDP submittal shall include the following items(digital files should be submitted rather than paper copies whenever possible):
   a. General location map of the subject site depicting:
      i. All lands for which the Planned Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
      ii. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds.
      iii. Current zoning of the subject site and abutting properties, and the jurisdiction(s) that maintains that control.

iv. A graphic scale and a north arrow.

b. Generalized site plan showing the pattern or proposed land uses, including:

i. General size, shape, and arrangement of lots and specific use areas.

ii. Basic street pattern.

iii. General site grading plan showing preliminary road grades.

iv. Basic storm drainage pattern, including proposed on-site stormwater detention.

v. Preliminary sanitary sewer and water system layout.

vi. General location of recreational and open space areas, including designation of any such areas to be classified as common open space.

c. Statistical data, including:

i. Minimum lot sizes in the development.

ii. Approximate areas of all lots.

iii. Density/intensity of various parts of the development.

iv. Building coverage.

v. Landscaping surface area ratio of all land uses.

vi. Expected staging.

d. Conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in Article VIII.

e. General signage plan, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.

f. General outline of property owners association, covenants, easements, and deed restrictions.

g. A written description of the proposed Planned Development, including:

i. General project themes and images.

ii. The general mix of dwelling unit types and/or land uses.

iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface area ratio, and/or other appropriate measures of density and intensity.

iv. General treatment of natural features.

v. General relationship to nearby properties and public streets.

vi. General relationship of the project to the Comprehensive Plan.

vii. Proposed exemptions from the requirements of this Chapter.

h. A Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the City if deemed necessary by the City Engineer.

2. The Zoning Administrator, or by majority vote of the Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.

3. The process for review and approval of the GDP shall be identical to that for Zoning Map Amendments per Section 18-160.

4. All portions of an approved GDP not initiated through granting of a building permit within 10 years of final Common Council approval shall expire and no additional Planned Development-based activity shall be permitted. The Common Council may allow multiple extensions via a majority vote following a public hearing. Completed portions of the GDP shall retain the GDP status.

5. Within 12 months of GDP approval the applicant shall submit a Specific Implementation Plan.

(d) Specific Implementation Plan. Upon completion of the GDP review process, described above, the applicant shall submit a Specific Implementation Plan (SIP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the SIP may be placed on the Plan Commission agenda for SIP review.

1. The SIP submittal shall include the following items. Note that the area included in an SIP may be only a portion of the area included in a previously approved GDP (digital files should be submitted rather than paper copies whenever possible).

   a. An existing conditions map of the subject site depicting the following:

      i. All lands for which the Planned Development is proposed and all other lands within 100 feet of the boundaries of the subject site.

      ii. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds.

      iii. Current zoning of the subject property and all abutting properties, and the jurisdiction(s) that maintains that control.

      iv. Existing utilities and recorded easements.

      v. All lot dimensions of the subject site.

      vi. A graphic scale and a north arrow.

   b. An SIP map of the proposed site showing at least the following:

      i. Lot layout and the arrangements of buildings.

      ii. Public and private roads, driveways, walkways, and parking facilities.

      iii. Specific treatment and location of recreational and open space areas, including designation of any such areas to be classified as common open space.

   c. Proposed grading plan.

   d. Specific landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. The landscaping plans shall include a table summarizing all proposed species.

   e. Architectural plans for any nonresidential buildings, multifamily structures, or building clusters, other than conventional single-family homes or individual lots, in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.

   f. Engineering plans for all water and sewer systems, stormwater systems, roads, parking areas, and walkways.

   g. Signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes that are proposed to vary from City standards or common practices.

h. Specific written description of the proposed SIP including:

i. Specific project themes and images.

ii. Specific mix of dwelling unit types and/or land uses.

iii. Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.

iv. Specific treatment of natural features, including parkland.

v. Specific relationship to nearby properties and public streets.

vi. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.

vii. A statement of rationale as to why PD zoning is proposed. This statement shall list the standard zoning requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed PD project.

viii. A complete list of zoning standards that would not be met by the proposed SIP and the location(s) in which such exemptions would occur. The applicant may also provide a list of zoning standards that would be more than met by the proposed PD and the location(s) of such occurrences.

ix. Phasing schedule, if more than one development phase is intended.

i. Agreements, bylaws, covenants, and other documents relative to the operational regulations of the development and particularly providing for the permanent preservation and maintenance of common open areas and amenities.

j. A written description that demonstrates how the SIP is consistent with the approved GDP and any and all differences between the requirements of the approved GDP and the proposed SIP.

k. The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

2. The Zoning Administrator, or by majority vote of the Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.

3. The process for review and approval of the SIP shall be identical to that for site plans per Section 18-164.

4. All portions of an approved SIP not fully developed within 10 years of final Common Council approval shall expire, and no additional Planned Development-based activity shall be permitted. The Common Council may allow multiple extensions via a majority vote following a public hearing. Completed portions of the SIP shall retain the SIP status.

(e) Criteria for Approval: In its review and action an application for a Planned Development district, the Plan Commission and, subsequently, the Common Council shall make findings with respect to the following criteria:

1. The proposed Planned Development project is consistent with the overall purpose and intent of this Chapter.

2. The proposed Planned Development project is consistent with the City's Comprehensive Plan (it is the responsibility of the City to determine such consistency).

3. The proposed Planned Development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
4. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Development project, including but not limited to public sewer and water and public roads.
5. The proposed Planned Development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
6. The proposed Planned Development project design does not detract from areas of natural beauty surrounding the site.
7. The proposed architecture and character of the proposed Planned Development project is compatible with adjacent/nearby development.
8. The proposed Planned Development project will positively contribute to the physical appearance and functional arrangement of development in the area.
9. The proposed Planned Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exemption or variation of any normal standard of this Chapter.
10. For Planned Development projects that are proposed to be developed in phases, the applicant can provide a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.

(f) Changes or Alterations. Any change of the PD plans subsequent to approval of the PD-SIP shall be submitted to the Zoning Administrator. If the Zoning Administrator determines that the change constitutes a substantial modification, the developer will be required to amend the PD-SIP, and if necessary, the PD-GDP, following the procedures set forth in this section for review and approvals. If, in the opinion of the Zoning Administrator, such changes do not constitute a substantial alteration of either the GDP or SIP, the change may be accomplished by approval of the Zoning Administrator. Such approved changes or modifications shall be documented and recorded in the official file of the City on the PD.

(ORD 1240, 11/13/12)

Section 18-168: Lot Combinations

(1) See Section 19-70 Lot Line Adjustment Procedures for the process of combining and splitting abutting lots.

(ORD 1240, 11/13/12)

Section 18-169: Interpretations

(1) Purpose. The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.

(2) Initiation of Request for an Interpretation. Proceedings for an interpretation may be initiated by any of the following four methods: an application of the owner(s) of the subject property; a recommendation of the Plan Commission to the Common Council; by action of the Common Council; or by request of the Zoning Administrator.

(3) Application. A zoning interpretation application contains all of the following:

(a) Clear indication of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.

(b) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required (digital files should be submitted rather than paper copies whenever possible):

1. A map of the subject property depicting:

a. All lands for which the interpretation is requested and all other lands within 100 feet of the boundaries of the subject property.

b. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Wood or Marathon County.

c. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.

d. All lot dimensions of the subject property.

e. A graphic scale and a north arrow.

2. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.

3. A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 18-164.

(c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:

1. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?

(4) Review by Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application to determine whether the requested variance is in harmony with the recommendations of City's Comprehensive Plan.

(c) The Zoning Administrator shall forward a report to the applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(5) Standards for Review. This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Common Council as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:

(a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. (Rationale: Before any zoning interpretation is made, there must be an explicit

discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.)

(b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.

(c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (i.e. the abutting landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements.

(d) This Chapter has been carefully designed by the Common Council to combine maximum achievement of public goals, and the protection of abutting property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Common Council.

(e) In addition to the applicant's response to the questions required by Subsection (d), above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:

1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Common Council on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.

2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property (see Article II).

3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Article II).

4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Article II).

5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 18-161.

(6) Effect of a Favorable Land Use Interpretation. No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and certificates of occupancy.

(7) Limitations on Favorable Land Use Interpretation.

(a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development has begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.

(b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(ORD 1240, 11/13/12)

Section 18-170: Appeals of Zoning Interpretations

(1) Purpose. The purpose of this Section is to provide regulations which enable the City to hear and decide requests for appeals from the interpretations of the Zoning Administrator per Section 18-152 as provided for by Wisconsin Statutes 62.23(7)(e)(7).

(2) Initiation of Request for Appeal. Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator.

(3) Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken to the Zoning Board of Appeals determines that, by reason of facts state in the certificate, a stay would cause immediate peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and on notice to the Zoning Administrator and on due cause shown.

(4) Time Limit for Filing an Appeal. Any appeal under the provisions of this Section shall be made per the requirements of Subsection (d), below, within a period not exceeding 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.

(5) Application Requirements. An application of an appeal of a zoning interpretation shall contain the following (digital files should be submitted rather than paper copies whenever possible):

(a) A copy of pertinent items in the file on the matter at hand as identified by the Zoning Administrator and/or the applicant.

(b) A written statement from the applicant indicating the reasons why an appeal is justified. This statement shall be dated and signed by the applicant.

(6) Review by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the Comprehensive Plan.

(c) The Zoning Administrator shall forward a report to the Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(7) Public Hearing. Within 45 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 18-158 to consider the request.

(8) Review and Action by the Zoning Board of Appeals.

(a) Within 60 days after the filing of the complete application, the Zoning Board of Appeals shall make its findings. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.

(b) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.

(9) Effects of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(10) Limited Effect on a Favorable Ruling on an Appeal.

(a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.

(b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(ORD 1240, 11/13/12)

Section 18-171: Violations and Penalties

(1) Violation of this Chapter. It shall be unlawful to construct or use any land, engage in any development activity, or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements.

(2) Penalties. See Section 1-05 of the City of Marshfield Code of Ordinances.

(3) Promulgated Correction of Violation. In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the City reserves and maintains the continued right to abate violations of this Chapter. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

(ORD 1240, 11/13/12)

Section 18-172: Fees

(1) Fees shall be as stated in the City of Marshfield Free Schedule, as established by the Common Council and shall be on file in the office of the City Clerk. There shall be no fee in the case of applications filed in the public interest by the Common Council or the Plan Commission, other agency, or official of the City of Marshfield.

(2) Fees shall be payable at the time applications are filed with the appropriate officer of the City (per the requirements of this Chapter), and are not refundable.

(3) City staff may expend time in the investigation and processing of procedures regulated by the Zoning Ordinance. In addition to City staff involvement, the City may retain the services of professional consultants including, but not limited to engineers, landscape architects, architects, attorneys, environmental specialists, planners, and recreation specialists in the administration, investigation, and processing of such matters. Any person, firm or corporation requesting action by the City on conditional use permits, permits pursuant to the supplemental regulations and zoning ordinance amendments shall reimburse the City for staff time expended in the administration, investigation, and processing of applications for such permits or amendments and the cost to the City charged by any professional consultant retained by the City on any such matter.

(ORD 1240, 11/13/12; Ord. No. 1324, 12/8/15)

Sections 18-173 to 18-179: Reserved

Chapter 19

SUBDIVISION AND PLATTING

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Article I. In General

Sec. 19-01. Purpose, jurisdiction and compliance.

(1) The purpose of the regulations in this chapter is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the city in order to promote the public health, safety and general welfare of the community. The regulations are designed to lessen congestion on the streets and highways; to further the orderly layout and use of land; to ensure proper legal description and proper monumenting of subdivided lands; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of the population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements. This chapter is formulated to facilitate enforcement of development standards as outlined in the building code, zoning code, the Comprehensive Plan and official map of the city and the implementation of guide plans approved by the city.

(2) The jurisdictional limits of this chapter shall be to all lands within the corporate limits of the city and all unincorporated areas within three miles of its corporate limits. Less strict standards may apply in areas where the City does not have zoning authority as determined by the City Engineer.

(3) No person shall divide any land located within the jurisdictional limits of this chapter which results in a major subdivision, minor subdivision or replat as defined in this chapter, and no such major subdivision, minor subdivision or replat shall be entitled to be recorded without full compliance with all the requirements of this chapter and ch. 236 Wis. Stats.

(4) The provisions of this chapter for minor subdivisions shall not apply to:

(a) Transfer of interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed ten (10) years, mortgages or easements.

(c) Sale or exchange of parcels of land between owners of adjoining properties if additional lots are not thereby created, and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances, except that a lot line adjustment survey must be approved and recorded for such exchanges for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the mimimum sizes required by law.

(Code 1982, § 18.01; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-02. Definitions.

For the purpose of this chapter certain words and phrases used in this chapter are defined as follows:

(1) *Alley* means a public or private right-of-way shown on a plat, which provides secondary access to a lot, block or parcel of land.

(2) *Arterial Street* means a major and minor street which provides for the movement of relatively heavy traffic to, from or within the City. It has a secondary function of providing access to abutting land and to collector and minor streets.

(3) *Bike route* means any portion of a roadway or trail specifically designated for use by bicycles.

(4) *Block* means an area of land within a subdivision that is entirely bounded by a combination of streets, exterior boundary lines of the subdivision and streams or water bodies.

(5) *Boundary street* means a street which is dedicated as part of a plat or map and the remainder of the right-of-way is outside the subject plat or map.

(6) *Buildable Area* means the available space on a parcel that is suitable for the development of structures and does not include floodplains, wetlands, slopes equal to, or greater than, twenty-five percent (25%), and setbacks.

(7) *Building Line or Building Setback Line* means a line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the City of Marshfield Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.

(8) *Collector street* means a street which carries traffic from local streets to the system of major and minor arterials and includes the principal entrance streets to residential developments and streets for circulation within such developments.

(9) *Comprehensive Plan* means the long-range master plan for the desirable use and development of land in the City as officially adopted and as amended from time to time by the Plan Commission and approved by to the Common Council.

(10) *Concept Plan* means a preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.

(11) *Cul-de-sac street* means a local street with only one outlet which terminates in a turnaround for the reversal of traffic.

(12) *Dead-end street* means a street that has only one end with access to a street system opened to traffic and does not have a turnaround.

(13) *Dedications* means a conveyance of private property for a public use.

(14) *Development* means any subdivision of land; any consolidation or accumulation of tracts of land; any material change in the use or appearance of any lot of land; any activity that affects lot lines, easement locations, number of lots, setback, locations of structures, dedications of streets or utilities; or the act of building buildings, structures or improvements on, in, under or over land.

(15) *Development Review Team* means a partnership amongst the City departments: Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, Fire Department, and such other departments as determined by the Planning and Economic Development Department to meet with developers of proposed large scale development and serve as the basis for discussions between the developer, the Planning Department, and other City representatives for the purpose of an orderly and efficient review of the proposed plans.

(16) *Director* means the director of regional planning and community assistance, Wisconsin Department of Administration, or such other official as may be delegated by law to approve plats at the state level.

(17) *Division of Land* means splitting of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development.

(18) *Drainageway* means an open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry stormwater.

(19) *Easement* means granting a legal right for the specific use of land owned by others.

(20) *Extraterritorial plat approval jurisdiction* means the unincorporated area within three miles of the corporate limits of the city.

(21) *Final Plat* means the final drawing of the subdivision and dedication prepared for filing for record with the county register of deeds and containing all elements and requirements set forth in this chapter.

(22) *Flag lot* means a lot lacking the requisite minimum lot width or frontage on an existing or proposed street, having direct access to the street through a narrow leg or land where access to a road is provided along the long, narrow "flag pole" and the usable land itself is the rectangular flag at the end of the pole.

(23) *Floodplain* means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

(24) *Frontage street* means a street which is parallel with and adjacent to a primary arterial street and which provides access to abutting properties and protection from through traffic.

(25) *Greenway* means a parcel of land containing a natural waterway or drainageway intended to be used in whole or in part for open space, surface drainage, parks, recreation, utilities, streets or any other purpose deemed by the city to be for the public good or welfare.

(26) *Holding tank* means an approved watertight receptacle for the retention of raw sewage.

(27) *Landing* means a platform adjacent to a doorway or entrance of a structure that if placed within any required yard setback, cannot exceed a five (5) foot by five (5) foot dimension.

(28) *Local street* means a street which is used primarily for access to abutting properties.

(29) *Lot* means a parcel of land having frontage on a public street occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

(30) *Lot Line Adjustment* means an adjustment or relocation of property line(s) between adjacent lots or a combination of one or more lots that does not result in the creation of additional lots and where the existing lot is not reduced in size below standards identified in the zoning ordinance or below minimum lot design standards of this chapter.

(31) *Lot Line Adjustment Survey* means a plat of survey prepared by a registered land surveyor to accomplish the alteration of existing property boundaries.

(32) *Map* means a visual representation illustrating the spatial relationship of a given area.

(33) *Official Map* meaning a map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Common Council pursuant to ch. 62, Wis. Stats.

(34) *Outlot* means a parcel of land, other than a lot, so designated on a plat or certified survey map and does not meet the requirements of a lot, which is not intended for building or structure development in the proposed land division.

(35) *Parcel* means any area of land as shown on the last assessor's roll of the county or the records of the City.

(36) *Partial street* means a street in a subdivision in which part of the right-of-way is within the subdivision but the rest of the right-of-way is not dedicated to the public.

(37) *Plat* means the drawing required for a major subdivision.

(38) *Preliminary Plat* means a drawing with supporting data, indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Plan and these regulations along with required supporting data.

(39) *Protective Covenants* means contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development.

(40) *Public Improvement* means any sanitary sewer, water mains, storm sewer, streets, sidewalks, signage, pedestrian and bicycle trails, television cable lines, and utilities, including streetlights, gas, electrical power and telephone facilities.

(41) *Replat* means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of such block, lot or outlot is not a replat.

(42) *Right-of-Way* means property dedicated to the public for specific uses.

(43) *Roadway* means that portion of the street which is used for vehicular traffic.

(44) *Setback* means the minimum horizontal distance between the face edge of a building wall or structure, excluding steps and landings, and the property line in the same yard.

(45) *Street* means a right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however other-wise designated and includes all of the area between the roadway or right-of-way lines

(46) *Structure* means any man-made object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground.

(47) *Subdivider* means any person, or any agent thereof, dividing or proposing to divide land resulting in a subdivision.

(48) *Subdivision*, when used alone, shall include both major and minor subdivisions.

(49) *Subdivision, major*, means the division of a lot, parcel or tract of land by the owner or his agent for the purpose of sale or of building development, where

a. The act of division creates five (5) or more parcels or building sites of one and one-half (1½) acres each or less in area; or

b. The act of division creates five (5) or more parcels or building sites of one and one-half (1½) acres each or less in area within a period of five years.

(50) *Subdivision, minor*, means the division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development where the act of division creates not more than four parcels or building sites, inclusive of the remaining parcel. This may include a block, lot or outlot in a recorded plat if the exterior boundaries of such block, lot or outlot are not changed. Parcels of property within a subdivision boundary being created by bisecting proposed or existing public streets may be shown as lots or outlots. These lots or outlots can be platted by means of a certified survey map if not more than four lots or outlots are created. The outlots may be further subdivided by means of a certified survey map if no more than four lots are created within an outlot. Outlots cannot be used for development purposes until platted by means of a major or minor subdivision as defined in this section.

(51) *Subdivision, Large Lot,* means the division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building rural development where the act of division creates parcels or building sites exceeding one and one-half (1 ½) acres in size.

(52) *Trail* means a multimodal route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic and built to City design standards.

(53) *Wetlands* mean an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(Code 1982, § 18.02; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-03. General provisions.

(1) *Subdivisions.* General provisions for subdivisions shall be as follows:

(a) A major subdivision shall be accomplished by means of a plat in accordance with ch. 236 Wis. Stats. and this chapter.

(b) A minor subdivision shall be accomplished by means of a certified survey map in accordance with ch. 236 Wis. Stats. and this chapter.

(c) For both major and minor subdivisions, lot sizes shall conform to the area and width requirements of the City Zoning Code within the corporate limits of the City or to any ordinance of the town or county in the extraterritorial plat approval jurisdiction.

(d) All major and minor subdivisions within the corporate limits or within the extraterritorial plat approval jurisdiction of the city, as defined in section 19-02, created under the procedures under subsections 19-61 (2) and (3), must be filed for approval of the City Plan Commission in accordance with procedures established in this chapter unless approved under the provisions of subsection 19-61 (4).

(2) *Replat.* Where it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries, the subdivider shall vacate or alter the recorded plat as provided in ch. 236 Wis. Stats. The subdivider shall then follow the same procedure for the replat as for an original plat as required by this chapter.

(3) *Land suitability.* Where a proposed subdivision contains land deemed by the City Plan Commission to be unsuitable for development because of poor drainage, flood conditions, soil conditions, subsurface conditions, topography or any other feature, approval shall be withheld. Conditional approval of the preliminary plat shall be granted if the subdivider shall, at his own expense, prepare and submit to the commission engineering plans designed to correct the adverse condition and carry out the plans or provide a performance bond to ensure that the plans will be completed prior to approval of the final plat.

(4) *Requirements.* The proposed subdivision shall conform to:

(a) The provisions of ch. 236 Wis. Stats.

(b) All applicable ordinances of the city, town or county in which it is located.

(c) The Comprehensive Plan and official map or any portion thereof.

(d) The rules of the Department of Health Services relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made.

(e) The rules of the Wisconsin Department of Transportation, relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street. State highways that are all numbered highways including interstate, state and federal highways must follow Trans 233.

(f) A map or plat of such division shall be recorded with the county Register of Deeds. The final plat may be recorded in whole or in separate parts at different times.

(g) Plats must be recorded within twelve (12) months after the last approval and within thirty-six (36) months after the first approval.

(5) *Required dedications.* Wherever a subdivision embraces any part of a street or greenway designated in the official map, such part of such proposed street or greenway shall be included in the subdivision or map in the location and at the width indicated. Such streets or greenways shall be dedicated to the city. All other streets not designated in the official map shall be platted in accordance with section 19-64 of this chapter, design standards, and the full width indicated on the plat shall be dedicated to the city when within the corporate limits or to the proper governmental unit when outside of the corporate limits. Wis Stat. § 236.13(2)(b).

(6) *Withholding of approval.* The plan commission shall withhold approval of a subdivision within the corporate limits of the city if sanitary sewer facilities are not available and are not anticipated to be available within one year unless the subdivider provides holding tank agreements satisfactory to the board of public works.

(7) *Lot Line Adjustment Survey*. A Lot Line Adjustment Survey prepared by a registered land surveyor shall be required to accomplish the alteration of existing lots which does not result in the creation of additional lots, from what was originally platted or mapped. The petitioner shall follow the procedures for lot line adjustment surveys as outlined in this chapter.

(8) *Extraterritorial Plat Approval Jurisdiction.* Jurisdiction of these regulations shall include all lands within the corporate limits of the City as well as the unincorporated area within the extraterritorial jurisdiction of the City of Marshfield. The City of Marshfield has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in chs. 236 and 66.32 of Wis. Stats. The Extraterritorial Plat Approval Jurisdiction area includes the following areas and regulations:

(a) *Intergovernmental agreement areas.* Areas in which the City of Marshfield has developed a cooperative agreement that relates to land use activities including annexations, boundary agreements, subdivisions, and zoning, with an adjacent municipality.

(b) *3 Mile Extra-Territorial Review Area.* Areas in which the City of Marshfield has the authority by statute to review plats. Areas within the three mile review area and beyond sewer service areas, intergovernmental agreement areas, or the one mile area are generally low density. Uses that would require sanitary sewer and water service extensions are not permitted.

(c) *1 Mile Priority Plat Review Area.* All areas within one mile of the City boundary, not including lands under an intergovernmental agreement. Scattered rural development patterns are not encouraged in this area. Sanitary sewer and water services cannot be provided until the area is annexed.

(9) The City may not review a plat or CSM within the extraterritorial plat approval jurisdiction, based upon the lands proposed use, unless approval/denial is based upon a plan or regulation adopted under s. 62.23 (7a)(c) Wis. Stats.

(Code 1982, § 18.03(1); Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-04. Numbering of houses and buildings.

All houses and buildings in the city shall be numbered in accordance with the provisions of this section.

(1) *Administration.* The City Engineer or designee shall be responsible for the preparation and maintenance of house numbering maps, the assigning of numbers to individual lots or parcels of land and the distribution of such numbers.

(2) *Baselines established.* The following baselines are established:

(a) Central Avenue shall constitute the baseline for all streets running in an easterly and westerly direction.

(b) The main line of the Canadian National Rail Road from the east City Limits to Oak Avenue and the Wildwood Station bike trail from Oak Avenue to Lincoln Avenue thereof shall constitute the baseline for all streets running in a northerly and southerly direction.

(3) *Numbering system.* The numbering system shall be as follows:

(a) The numbering for each street shall begin from the baseline. The numbers in the first block shall be from one (1) to ninety-nine (99) and the numbers in each succeeding block shall increase in units of 100. Where blocks are longer than normal or where unusual conditions exist, the numbering shall be arranged in units that will provide logical succession and the same block number approaching an intersecting street as prevails in all other locations at that street.

(b) There shall be a number for every eleven (11) feet of land fronting on Central Avenue between the baseline and Ninth Street. On the balance of Central Avenue and on all other streets there shall be a number for every forty-four (44) feet of land fronting the street or for every lot where it can be definitely determined that there will be not more than one (1) building per lot.

(c) The north and east sides of streets shall be numbered with odd numbers and the south and west sides of streets shall be numbered with even numbers.

(4) *Specifications.* Specifications for numbers shall be as follows:

(a) The numbers shall be black on white or other color contrasting combinations which can easily be read from the street. The numbers shall be a minimum height of two and onehalf (2 1/2) inches. Roman numerals and script are not acceptable.

(b) A number shall be placed on every house and building in the city, except that numbers need not be displayed on accessory buildings which do not front upon public streets. An accessory building is defined in section 18-02 of this Code of the City of Marshfield.

(c) The number shall be placed immediately above or at the side of the main door of the building facing the street upon which it fronts. If the number is not readily visible from the street in this location then it shall be placed in such a location that it is readily visible.

(d) If no part of the building is visible from the street or if the building is more than seventy-five (75) feet back from the lot line, then the number shall be placed on a gatepost, fence, post or other appropriate place near the street line that can be easily seen from the street.

(e) In the case of new buildings, the number, together with the building permit, shall be placed on a temporary post or tree in front of the construction where it is visible from the street. When the building is completed, the number shall be moved to the permanent location specified in this subsection.

(5) *Numbers required.* Numbers shall be required as follows: No permit for the construction of a building shall be issued until an address number has been assigned. No permit for the repair or alteration of a building shall be issued unless the proper number is affixed to the building in accordance with this section.

(6) *Sale of standard numbers.* The Building Services Division of the Department of Public Works shall maintain a supply of house numbers and frames in its office. They shall be available for sale during regular office hours at actual cost of the materials plus an administrative charge.

(7) *Violation and penalty.* The Building Services Supervisor shall serve by mail a notice upon the owner or occupant of any building which is found not to comply with this section. If after thirty (30) days from the receipt of this notice the building still does not comply, the owner or occupant shall be subject to the penalty provisions in section 1-05 of this Code.

(Code 1982, § 14.17; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-05. Penalties and remedies.

Any person who shall violate any provision of this chapter or any regulation, rule or order made under this chapter shall be subject to a penalty as provided in Subchapter IV of ch. 236 Wis. Stats. Any person in violation of any provision of this chapter not stated in Subchapter IV of ch. 236 Wis. Stats. shall be subject to the provision of section 1-05 of this Code.

(Code 1982, § 18.03(7); Ord. No. 1190, § 2, 12-14-2010)

Secs. 19-6—19-30. Reserved.

Article II. Administration

Sec. 19-31. Variances.

(1) For property within the City Limits where the plan commission finds that extraordinary hardships or particular difficulties may result from strict compliance with this chapter, it may recommend variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this chapter; and further provided that the plan commission shall not recommend variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that all three of the following criteria are met:

(e) *Unnecessary Hardship*. That an unnecessary hardship exists if the property owner shows that they have no reasonable use of the property without a use variance or when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome without an area variance;

(f) *Unique Property Limitations.* That the need for a variance is due to unique physical limitations of the property, such as steep slopes or wetlands, that prevent compliance with the ordinance; and

(g) *No Harm to Public Interests.* That granting of the variance will not result in harm to the public interests and will not materially impair the general purposes of this chapter as well as the general purpose of a specific zoning provision.

(2) When in the judgment of the Plan Commission, or City Engineer for minor subdivision, it would be inappropriate to apply literally a provision of this chapter because the subdivision is located outside the corporate limits within the extraterritorial plat review area, it may waive such provision or vary it in the manner that would best serve the public interest.

(Code 1982, § 18.08; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-32. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wis. Stats.

(Code 1982, § 18.09; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-33. Rules and regulations of the plan commission.

The City Plan Commission may, at its discretion, adopt rules and regulations to facilitate the orderly and efficient conduct of the procedures outlined in this chapter.

(Code 1982, § 18.10; Ord. No. 1190, § 2, 12-14-2010)

Secs. 19-34—19-60. Reserved.

Article III. Plat Approval

Sec. 19-61. Procedure

In planning and developing a subdivision within the city or the extraterritorial plat approval jurisdiction, the subdivider or his agent shall in every case follow the procedure outlined below:

(1) Concept Plan Conference.

(a) Before submitting a preliminary plat or map, the developer may request a Concept Plan Conference with appropriate City Staff that may include the Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, the Marshfield Fire Department, and such other departments as determined by the Planning and Economic Development Department.

(b) To request a Concept Plan Conference, the developer shall submit an application and Concept Plan for the proposed subdivision five (5) days prior to the requested meeting date.

(2) Preliminary plat or map procedure. Before submitting a final plat or map for approval, the subdivider shall prepare a preliminary plat or map. The preliminary plat or map shall be prepared in accordance with this chapter and one (1) large 22" x 30" or larger copy along with an electronic copy in PDF format shall be submitted to the Planning and Economic Development Department least twenty-five (25) days prior to the meeting of the plan commission at which action is desired.

(a) Upon submittal of the preliminary plat, the subdivider shall be responsible for forwarding the original plat to the director in accordance with § 236.12(6)Wis. Stats.

(b) Public hearing & notification. Before taking action on a preliminary plat, the Plan Commission shall hold a public hearing following the guidelines of at least a Class I notice. Notice of the proposed plat and of the scheduled hearing shall be sent by regular mail at least ten (10) days before the date of such hearing to the owners of record of all properties located within 200 feet of the exterior boundaries of the proposed plat.

(c) When the City determines to approve a plat within the City, it shall give at least 10 days' prior written notice of its intention to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat but failure to give such notice shall not invalidate any such plat.

(d) *Staff review.* Prior to the public hearing, City staff shall review the preliminary plat for conformance with the municipal code. The Development Review Team may review the preliminary plat and may include the following departments: Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, and such other departments as determined by the Planning and Economic Development Department.

(e) The Plan Commission shall within ninety (90) days of the filing of the plat or map approve, approve conditionally or reject the plat or map, following review of the preliminary plat or map and other materials submitted, for conformity with all ordinances, administrative rules and regulations. The plan commission may negotiate with the subdivider regarding changes deemed advisable, and the kind and extent of changes which will be required. Failure of the Plan Commission to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat.

(f) The action of the Plan Commission shall be noted on two (2) copies of the preliminary plat or map; one copy will be returned to the subdivider with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions or reasons therefore in writing. The second copy shall be filed with the secretary of the commission.

(g) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within thirty-six (36) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in § 236.11(1)(b) Wis. Stats. the final plat shall be entitled to approval with respect to such layout.

(3) Final plat or map procedure.

(a) The final plat or map, a written application for approval and such copies thereof as shall be required, shall be submitted to the Planning and Economic Development Department within thirty-six (36) months of approval of the preliminary plat or map and at least two (2) weeks prior to the meeting of the Plan Commission at which action is desired. However, if approval of the plat or map must be obtained from another approving authority subsequent to approval by the Plan Commission, the final plat or map shall be submitted within thirty-six (36) months of such approval. The Plan Commission may grant an extension within the thirty-six (36) month time period in either case.

(b) The Planning and Economic Development Department shall forward the final plat or map to the Plan Commission for its recommendation. The Plan Commission shall refer the final plat or map to the council within six (6) weeks of its submission. The Council shall approve or reject the final plat within sixty (60) days of its submission to the Planning and Economic Development Department unless extended by agreement with the subdivider. When the City determines to approve a plat, it shall give at least ten (10) days' prior written notice of its intention to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat but failure to give such notice shall not invalidate any such plat.

(c) If the preliminary plat has not been submitted, the subdivider shall be responsible for forwarding the original plat to the director in accordance with § 236.12(6)Wis. Stats. The Council shall not act on a plat after referral by the Plan Commission until the plat has been approved by the director. The Council shall approve or reject the plat within sixty (60) days of submission of the plat, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Council meeting and a copy forwarded to the subdivider. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time of submittal, except that a final plat that is only a portion of an approved preliminary plat may be submitted without the permission of the approving authority and is entitled to approval if the preliminary plat identifies phases of the development and the portion of the final plat being submitted substantially conforms to the preliminary plat or portion of the preliminary plat as approved. If the City fails to act within sixty (60) days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, that plat shall be deemed approved.

(d) Two (2) 22" x 30" true copies and a digital copy of the approved final plat or map in MicroStation format or equal in Wisconsin's Wood County Coordinate System shall be filed with the City Clerk. Such copies shall contain any changes or modifications as a result of action of the Plan Commission or director. (Digital version shall be submitted in Wisconsin's Wood County Coordinate System and in a format that can be precisely converted to MicroStation DGN format. This digital version shall be supplied to the City Engineer.)

(e) The City Engineer shall determine if a final plat "substantially conforms" to the preliminary plat. This determination shall be given to the Common Council along with a recommendation for approval/denial of the final plat. The conclusion and recommendation are not required to be in writing, but shall be made part of the public record at the proceeding which the final plat is being considered.

(f) The council shall approve the final plat or map if all of the applicable provisions of this chapter and ch. 236 Wis. Stats. are complied with.

(4) Alternate procedure for certain minor subdivisions. Where a proposed division of land does not require any of the improvements listed in section 19-63 of this chapter but does comply with all of the other applicable provisions of this chapter, the subdivider may substitute the following procedure for the provisions of subsections (1) and (2) of this section:

(a) The subdivider shall submit a map of the proposed minor subdivision to the City Engineer for approval.

(b) If the City Engineer determines that the proposed subdivision does not require any of the improvements listed in section 19-63 of this chapter and complies with the other provisions of this chapter, he shall issue his written approval on the map prior to recording in the office of the register of deeds.

(5) Basis for approval.

(a) Approval of the preliminary or final plat shall be conditioned upon compliance with:

1. The provisions of this chapter;

2. Chapters 18, 20, 26, and 30 of the City of Marshfield Municipal Code;

3. The Comprehensive Plan under s. 66.1001 Wis. Stats.;

4. The rules of the Department of Commerce relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by public sewer, where provisions for public sewer service has not been made;

5. The rules of the Department of Transportation relating to the provisions for the safety of entrance upon and departure from the abutting state trunk highways of connecting highways and for the preservation of the public interest and investment in such highways.

(b) The City shall not condition approval upon compliance with, or base an objection upon, any requirements other than those in this chapter. Not withstanding sub. (a)(2) the City and a subdivider may agree to waive or vary requirements under an ordinance specified in sub. (a)

(c) (2). Any such agreement shall be entered into freely and voluntarily. The City and subdivider may also agree as to the application of the ordinances enacted by the City after the subdivider has submitted a preliminary plat, or final plat if no preliminary plat is submitted.

(Code 1982, § 18.04; Ord. No. 1084, § 1, 10-10-2006; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-62. Plat or map requirements.

(1) *Preliminary plat or map.* The preliminary plat or map shall be based upon a survey by a registered land surveyor and the plat or map prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to one inch, shall reflect compliance with the design requirements of section 19-64, and shall show correctly on its face:

(a) Date, scale and north arrow.

(b) The title of the proposed subdivision which shall not duplicate the name of any plat previously recorded in Wood or Marathon County.

(c) The names and addresses of the owner, the subdivider and the surveyor preparing the plat. Location of the subdivision by government lot, quarter section, section, township, range and county.

(d) Location of the subdivision by government lot, quarter section, section, township, range and county.

(e) A vicinity map of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.

(f) The exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed. Coordinates for all points set shall be referenced to Wisconsin's Wood County Coordinate System.

(g) Locations and names of adjacent subdivisions within 200 feet and the owners of adjoining parcels of unsubdivided land as well as any previously recorded CSM's.

(h) Locations, widths and names of all existing and proposed platted streets, alleys or other public ways and easements, railroad and utility rights-of-way.

(i) Designate buildable areas, including setbacks and area (square feet and acres) on the plat for each lot that is created by the proposed subdivision.

(j) Water elevations of adjoining lakes or streams at the date of survey and approximate high and low water elevations, all referred to City datum.

(k) If the subdivision borders a lake or stream the distances and bearing on a meander line established not less than twenty (20) feet back from the ordinary high water mark of the lake or stream.

(l) Locations of existing property lines, buildings, parks, driveways, roadways, environmentally sensitive areas, streams and watercourses, delineated wetlands, rock outcrops, wooded areas, floodplains, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto, and other pertinent information and/or data as determined by the Plan Commission.

(m) Contour lines at vertical intervals of not more than five (5) feet where the slope is greater than ten percent, and not more than two feet where the slope is less than ten percent (10%). Elevations shall be marked on such contour lines based on City datum.

(n) Approximate location and dimensions of any site proposed to be dedicated for public use or which is to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

(o) Dimensions and areas of lots, together with proposed lot and block numbers.

(p) Radii of all curves including but not limited to all pertinent information for curves such as Delta, degree of curve, chord lengths and bearings, minor chord lengths, etc.

(q) When requested by the Plan Commission, a draft of a protective covenant whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(r) Supplementary Data to be Filed with Preliminary Plat.

1. *Use Statement.* A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

2. *Area Plan.* Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Common Council may require that the subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships

between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

(s) Preliminary plats or final plats, if no preliminary plat was submitted for that development, must comply with the local ordinance which was in effect when the plat was submitted. If an ordinance is revised while the plat is moving through the review process, the new requirements cannot be applied to the plat.

(2) *Final plat or map*. The final plat or map of the subdivision shall comply with the requirements of ch. 236 Wis. Stats. which is hereby adopted by reference, and include the following additional information:

(a) Date, scale, and north arrow.

(b) The total acreage encompassed by the exterior boundaries of the proposed subdivision.

(c) Locations of storm water management areas, environmentally sensitive areas such as delineated wetlands or other navigable streams, and other pertinent information and/or data as determined by the Plan Commission.

(d) The areas (in square feet) of all lots and outlots within the subdivision.

(e) Radii of all curves including but not limited to all pertinent information for curves, such as, Delta, degree of curve, chord lengths and bearings, minor chord lengths, arc lengths, and minor arc lengths.

(f) Outlot, access, and utility easement restrictions.

(g) The Common Council Resolution, Certificate of City Finance Director, and Certificate of County Treasurer.

(h) The affidavits and certificates required by ch. 236 shall be lettered or printed legibly with black, durable ink on the final plat. Two (2) duplicate prints on 22" x 30" true copies and a digital copy of the approved final plat or map in MicroStation format or equal in Wisconsin's Wood County Coordinate System shall be filed with the City Clerk. (Digital version shall be rsion shall be submitted in true Wisconsin's Wood County Coordinate System and in a format that can be precisely converted to MicroStation DGN format. This digital version shall be supplied to the City Engineer.)

(i) The plat and all points set shall be tied to the Wisconsin's Wood County Coordinate System. The distance and bearings of all exterior boundary lines and of all block lines shall be referenced to the coordinate system. Wisconsin's Wood County Coordinate System shall be shown for all exterior boundary corners and all block corners. Surveys shall conform to the applicable provisions of the Technical Standards for Property Surveys, American Congress on Surveying and Mapping, a copy of which is on file in the Engineering Division.

(Code 1982, § 18.07; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-63. Required improvements.

(1) *Facilities required*. Before final approval of any subdivision plat or map within the corporate limits of the City will be granted, the subdivider shall enter into a development agreement with the City, acceptable to the City Attorney, setting forth in detail the terms and conditions of such agreement to include, among other things, the procedure for making such application, the facilities which must be installed under the terms of the contract, the satisfactory proof that the developer is able to install the agreed upon facilities listed in subs (a) to (h), ensuring that such facilities will be installed within the time required by the Council, and such other requirements as may be set forth therein, all as set forth in subsection (8) of this section. There must be an approved development agreement at the time of final plat approval.

(a) *Sanitary sewer.* Sanitary sewers shall be constructed in the locations needed to provide service to each lot. Laterals shall be installed for each lot terminating not less than seven (7) feet inside the property from the street right-of-way line. Where platted utility easements exist, additional consideration shall be made to extend laterals beyond the platted easements. If a sewage lift station is necessary to serve the subdivision, subdividers shall share in cost of the lift station and associated force main in the same ratio that the area of the subdivision bears to the total area served by the lift station. The plans for sanitary sewers shall be approved by the City Engineer and the Wisconsin Department of Natural Resources. Construction shall be under the supervision of the Engineering Division or an engineering consultant agreed upon by the subdivider and the City Engineer and the cost of such supervision shall be borne by the subdivider. If the City is required to construct sanitary facilities outside of the boundaries of the subdivision to serve the subdivision facilities, the subdivider shall be responsible for any cost of such construction not recovered by the City through special assessments unless other arrangements are made through a developer's agreement.

(b) *Water.* Water mains shall be installed within the subdivision boundaries to provide service to each lot in conformance with the regulations of the Marshfield Utility Commission. Laterals shall be installed for each lot terminating not less than seven (7) feet inside the property from the street right-of-way line.

(c) *Storm sewer.* Such facilities shall include mains, ditches, channels, inlets, catch basins and laterals as required by the City Engineer and the Board of Public Works. All storm sewer systems shall be required to handle a ten (10) year design storm unless there is a history of flooding or property damage. Subdivisions shall be designed to safely convey up to the 100 year storm without property damage. All subdividers shall be held to the current WDNR stormwater management standards NR151 and NR216 as well as the chs. 25 and 26 of this code.

(d) *Streets.* The street construction shall include all grading, base course, stormwater drainage systems, curb and gutter and concrete or asphalt pavement, in accordance with the current construction standards on file with the City Engineer. If permitted by City Engineer and the Board of Public Works, a street may be constructed without curb and gutter.

(e) *Sidewalks.* The street construction shall include the installation of sidewalks. Sidewalks shall be installed on both sides of the street. Sidewalks shall be installed as the improvements are being constructed before a certificate of occupancy will be issued. Exceptions to this requirement shall only be approved through a development agreement as identified in Sec. 19-63 (8). Standards for the installation of sidewalk are on file with the City Engineer.

(f) *Signage.* The subdivider shall be responsible for the costs associated with the purchasing and installation of all street name signs and required traffic control signs. Where the development is a high volume commercial development or a public facility such as a school or church the City Engineer shall recommend to the Board of Public Works whether a traffic study shall be required for said developments at the cost of the developer. The subdivider shall also be responsible the costs of the initial installation of all pavement markings.

(g) *Pedestrian and Bicycle Trails.* The subdivider shall grant an easement to the City where new subdivisions converge with opportune areas for new pedestrian and bicycle trails, according to the Marshfield Comprehensive Outdoor Recreation Plan.

(h) Utilities (i.e. electric, phone, CATV, etc.). All utilities shall be installed underground within the boundaries of the subdivision in such a manner as to make service available to each lot. The subdivider shall also cause streetlights to be installed. This Section shall not apply to electric transmission lines and electric distribution main feeder lines when underground installation is inconsistent with the utilities practice for design and/or construction of these types of utility facilities.

(2) *Responsibility for street and utility improvements.* The subdivider shall be responsible for all costs of required improvements, as follows, including construction plus engineering and city administrative costs of sanitary sewer, water, storm sewer, sidewalks, and streets plus any other costs of construction not recovered by the City through special assessment except as set forth below:

(a) Where the streets, storm, and sanitary sewer improvements are constructed on the exterior boundary of a subdivision, the subdivision shall pay fifty (50) percent of storm and sanitary sewer mains and street costs and the City shall pay fifty (50) percent, subject to budgeted funding, and subject to its right to recover such costs upon improvement of the adjoining property.

(3) *Plans and specifications.* At the option of the City the plans and specifications for any or all of the required improvements may be prepared by the City. If the subdivider is required by the City to furnish plans and specifications, they shall be prepared by a registered engineer and approved by the City Engineer and any state agency having jurisdiction over such plans. In either case, the subdivider shall be responsible for the cost of plan preparation and any surveys needed to prepare the plans.

(4) *Construction.* The City may undertake construction with City forces at the request of the subdivider of improvements normally constructed by the City if the City's construction schedule permits. Such construction shall be approved by the Board of Public Works and the subdivider shall deposit a bond or cash with the City in the amount of the estimated cost of the work prior to the start of construction. Payment in full shall be made to the City upon the completion of the work. The construction of any improvements not undertaken by the City shall be the responsibility of the subdivider.

(5) *Inspection.* All construction shall be subject to inspection by the Department of Public Works. The cost of inspection shall be charged to the subdivider. For sanitary sewer construction, final inspection required shall include air pressure testing, mandrel testing, and televising. In the event City personnel are unable to complete inspection services, an outside consultant or third party services may be necessary. Such consultant services and all costs associated with these services shall be born by the subdivider. The consultant utilized for such services shall be approved by the City Engineer and subdivider.

(6) *Dedication required.* All facilities and improvements installed prior to the final approval of the plat shall be considered dedicated to the City (pending inspection and acceptance of said improvements), along with streets and other public areas, upon approval of the plat. Facilities and improvements completed under bond or other financial guarantee, after approval of the plat, shall be considered dedicated (pending inspection and acceptance of said improvements) to the City upon their approval and acceptance and release of the bond or other guarantee.

(7) *Development Agreement.* All subdivisions that require public improvements shall require a development agreement before final plat approval. The agreement shall provide, among other things, the following:

(a) The number and location of the lots to be developed during any period of time involved, which order of development shall be termed "stages" or "phases."

(b) A description of the periods of time within which all of such stages or phases shall be developed.

(c) The method of financing such improvements by one or more of the following:

(1) Special assessments under § 66.0703 Wis. Stats. and the number of annual installments for each phase, if determinable.

(2) Private financing to be obtained by the subdivider.

(3) Public financing as may be determined by the council, with the method of repayment to the city by the subdivider, either by way of special assessments or otherwise, and the terms of such repayment.

(d) A provision detailing the means by which engineering services for the subdivision and/or public improvements will be provided.

(e) A provision that all required improvements shall be installed in accordance with the laws and regulations of the state, City ordinances and the standards for the installation of such facilities which have been or may thereafter be adopted by the Board of Public Works. Standards for public facilities (Street, Sidewalk, Storm Sewer, Sanitary Sewer, Watermain and Signage) are on record with the City Engineer.

(f) A provision that the agreement and the terms thereof shall be recorded in the office of the register of deeds for Wood or Marathon County, whichever is applicable, in order to give notice to any subsequent purchasers of the property included in the subdivision or any phase thereof.

(g) A provision requiring a surety in favor of the City and in a form acceptable to the City Attorney to secure performance of the development agreement. Said surety shall be in an amount equal to the estimated cost of construction or other amount established by Common Council. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the City shall be limited to the phase of the project that is currently being constructed. The City may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

(h) A provision determining the time within which the installation of the required facilities shall commence and be completed, so far as possible to ascertain.

(i) A provision, if requested by the developer and approved of by the City, that allows for an exception to the sidewalk requirement in Sec. 19-63 (1) (e).

(j) Any other or additional provisions which may be deemed necessary by the City, or its appropriate officials, in order to supplement the agreement and accomplish the end desired thereby, giving due consideration to the needs of the subdivider and to the protection of the public.

(8) *Exceptions.* This section shall not apply to a situation involving a single lot of not more than 30,000 square feet in area which is the subject of a certified survey map or plat if one side of the lot has access to an existing, improved street and one side abuts on an unopened or undedicated street which is on the master street plan as of the date of the application for a building permit, and if such lot does not exceed in length along the unopened or undedicated street approximately the same length as any lot abutting on the other side of such lot, or along the same street in the same block. As a condition of obtaining this exception, however, the applicant for the building permit shall agree to provide, in the case of sale of such lot, a covenant in the instrument of conveyance that the purchaser, or his successors in title, shall pay the costs of installing the facilities otherwise required by this section, if such street is opened, and if requested to do so by the Council, to the extent of 50 percent (50%) of such costs. In the event such street has not been dedicated, a further condition shall be the dedication of a minimum of thirty (30) feet (or one-half of the width of the street) as classified by the most current "City of Marshfield Comprehensive Plan", along the entire length of the lot in question.

(Code 1982, § 18.05; Ord. No. 1190, § 2, 12-14-2010; ORD 1268 3/11/14)

Sec. 19-64. Design standards.

All proposed plats and maps shall be reviewed for compliance with the following standards:

(1) *Streets.* Design standards for streets shall be as follows:

(a) *Generally.* The streets shall be designed and located in relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and

to the proposed use of the land to be served by such streets. The arrangement, with grade and locations of all streets, shall conform to the official master street plan, unless amendment of the master street map is first approved as provided at section 30-02 of this Code.

(b) *Arrangement.* Arrangement of streets shall be in accordance with the following:

1. Major and minor arterials shall be properly integrated with the existing and proposed system of major and minor arterials, and insofar as practicable, shall be continuous and in alignment with existing, planned or platted streets with which they are to connect. Minimizing access points is a general requirement for streets carrying this classification.

2. Collector streets shall be properly related to traffic generating from facilities such as schools, churches and shopping centers, to population concentrations and to the major streets into which they feed.

3. Local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient drainage and sewer systems and to require the minimum amount of streets necessary to provide convenience and safe access to abutting property.

(c) *Protection of major/minor arterials where a subdivision borders on or contains a major/ minor arterial.* The plan commission may require that there shall be no direct access between a major/minor arterial and the individual lots or parcels in the subdivision:

1. that the subdivision be laid out with a minimum number of street connections to a major/minor arterial.

2. that whenever existing streets provide reasonable and adequate access to a major/ minor arterial, the street in a subdivision shall not be open directly onto a major/ minor arterial.

3. that local streets be provided and that the backs of lots abut the major arterials and highways. Access to streets under the jurisdiction of the Department of Transportation or county may require special permissions, permits, reviews or requirements for street connections.

(d) *Alleys.* Alleys shall be in accordance with the following:

1. Alleys may be provided in all business, commercial and industrial districts with Plan Commission approval.

2. Dead-end alleys are prohibited.

3. Public alleys shall not be permitted in residential areas.

(e) *Intersections.* Intersections shall be constructed in accordance with the following:

1. Streets shall intersect each other at right angles as nearly as possible.

2. Not more than two streets shall intersect at one point unless approved by the plan commission.

3. Street jogs with centerline offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(f) *Street width.* The right-of-way and pavement width of all streets shall be of the width specified on the official map or master plan or, if no width is specified thereon, they shall be not less than the width specified as follows:

Type of Street	*Right-of-way Width*	*Pavement Width (face to face of curb)*	
1.	Major arterial	100	Minimum 48
2.	Minor arterial	80	48 or 41 with one side restricted parking
3.	Collector	*70*	36 or 32 with one side restricted parking
3.	Local	*60*	32 or 28 with one side restricted parking
4.	Alley	*24*	16

(g) *Grades.* The grade of major/minor arterials shall not exceed four percent (4%). Collector streets shall not exceed six percent (6%), and local streets shall not exceed eight percent (8%) unless approved by the Plan Commission. The grade of all other streets shall not exceed eight percent (8%). In no case shall the grade of any street be less than one-half of one percent (0.5%) and such minimum shall not be permitted for sustained distances.

(h) *Horizontal curves.* Horizontal curves shall be constructed in accordance with the following:

1. A minimum sight distance with clear visibility measured along the centerline shall be provided of at least 300 feet on major/minor arterials, 200 feet on collector streets and 100 feet on local streets.

2. When a continuous street centerline deflects at any point more than two degrees, a circular curve shall be introduced having a radius of curvature of such centerline of not less than the following:

a. Major/minor arterial: 300 feet.

b. Collector: 200 feet.

c. Local: 100 feet.

(i) *Tangents.* A tangent at least 100 feet long shall be introduced between reverse curves on major arterials and collector streets, unless approved by the City Engineer under special circumstances.

(j) *Cul-de-sac streets.* Streets designated to have one end permanently closed shall not exceed 500 feet in length from the right-of-way of the through street to the center of the cul-de-sac bulb and shall terminate with a turnaround of not less than 120 feet in diameter of right-of-way. Whenever and wherever possible, the use of cul-de-sac streets shall be discouraged.

(k) *Boundary streets.* Where existing street right-of-way is adjacent to the tract being subdivided, the rest of the needed street right-of-way shall be dedicated by the subdivider.

(l) *Street names.* New street names shall not duplicate or be similar to existing street names and existing street names shall bear the same name and be projected wherever possible, as designated by the plan commission. All streets running northerly and southerly shall hereafter be designated as "avenues." All streets running easterly and westerly shall hereafter be designated as "streets." Other designations, such as "lane", "circle", "court", or "drive," may be approved upon recommendation of the plan commission if the subject street is not a through street.

(2) *Easements.* Design standards for easements shall be as follows:

(a) Easements shall be provided where required by the plan commission for storm and sanitary sewers; gas, water and heat mains; and power, telephone and television cable lines. They shall be at least ten feet in width.

(b) Where a subdivision is traversed by a watercourse, channel or stream an easement shall be provided for an adequate drainageway conforming substantially with the lines and area of such watercourse, channel or stream. The location, width, alignment and any proposed improvement of such drainageway shall be subject to approval of the plan commission. Wherever possible, a stormwater drainage shall be maintained by landscaped, open channels of adequate width and grade to hydraulically achieve maximum potential volumes of flow. Sizes and design details shall be subject to review and approval by the Cit Engineer

(3) *Blocks.* Design standards for blocks shall be as follows:

(a) The length, width and shapes of blocks shall be compatible with the planned use of the land and the type of development contemplated. Block length in residential areas shall not as a general rule exceed 1,500 feet nor be less than 600 feet between right-of-way lines unless waived by the Plan Commission.

(b) Pedestrian ways or crosswalks, not less than fourteen (14) feet in width, shall be required by the plan commission where deemed essential to provide adequate pedestrian circulation or access to schools, playgrounds, shopping centers, churches, transportation and other community facilities.

(4) Lots. Design standards for lots shall be as follows:

(a) The shape, size and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and the use contemplated and shall conform to the requirements of existing zoning designations or the Comprenhensive Plan.

(b) Lot dimensions shall conform to the requirements of the zoning code of the governmental unit in which the subdivision is located. In no case shall residential lots have a width of less than thirty 30 feet at the street line on a cul-de-sac, curve, or curvilinear street, nor the minimum lot width of the Municipal Zoning Code at the required setback line.

(c) Residential lots fronting on major/minor arterials shall be platted with sufficient depth to permit adequate separation between the buildings and such traffic ways.

(d) Excessive depth in relation to width shall be avoided and a proportion of two and onehalf (2 1/2) to one shall normally be considered as a desirable maximum for lots of seventy (70) feet or more. Lots shall not be less than 100 feet in depth.

(e) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(f) Every lot shall front or abut on a public street.

(g) Flag lots shall not be allowed.

(h) Side lot lines shall be substantially at right angles to straight street lines or radial to curb street lines on which the lots face.

(i) Corner lots shall have extra widths to provide adequate building setbacks from side streets.

(j) In case a tract is divided into large parcels, such parcels shall be arranged so as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter.

(k) Lots shall follow municipal boundary lines rather than cross them.

(l) Double-frontage shall be discouraged except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(m) Compliance with Comprehensive Plan and Ordinances. The arrangement, character, features, and layout of land division in the City of Marshfield shall be designed to comply with the standards of this chapter, the Comprehensive Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Common Council. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the City Engineer and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. In the absence of a street being shown on the official map, streets shall be provided in locations determined necessary by the City Engineer and to the right-of-way widths required in this Sec. 19-64 (1) g. for the classification of street required.

(n) Parcels and or plat shall contain adequate area to provde for stormwater management requirements per NR151 and NR216.

(5) *Public sites and open spaces.* In the design due consideration shall be given to the reservation of suitable sites and adequate area for future schools, parks, playgrounds, drainageways and other public purposes. Consideration shall be given to the preservation of scenic and historic areas, trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

(Code 1982, § 18.06; Ord. No. 1190, § 2, 12-14-2010)

Secs. 19-65—19-69. Reserved.

Article IV. Lot Line Adjustment

Sec. 19-70. Lot Line Adjustment Procedure

(a) *Applicability*. The regulations contained within this article shall apply to lot line adjustments within the corporate limits.

(b) *Submittal Requirements.* The applicant shall submit two (2) copies of the plat of survey to the City of Marshfield Planner/Zoning Administrator.

(c) *Plat of survey requirements.* In addition to information required by Chapter A-E7 of the Wisconsin Administrative Code the following information shall be required on the plat of survey in order to determine compliance with local subdivision and zoning ordinances:

1. Location of all existing structures.
2. Setback dimensions of existing structure from all existing and proposed lot lines;
3. Area of each lot;
4. Names and addresses of owner(s) and surveyor;
5. Map date, legend, scale, surveyor's certificate, north arrow; and
6. Legal description of each proposed lot.

(d) *Monumentation.* New lot corners shall be monumented in accordance with Section 236.34(1) (b), Wisconsin Statutes.

(e) *Approval.* The City of Marshfield Planner/Zoning Administrator will administratively review the plat of survey within five (5) business days of submittal and certify approval on the face of the survey; provided, no zoning code or subdivision ordinance violations will result from the lot line adjustment.

(f) *Recordation.* Upon certification of approval, the petitioner shall record the plat of survey in conjunction with the deed or other legal instrument with the County Register of Deeds. The applicant shall submit two (2) recorded copies of the deed or instrument and plat of survey exhibit to the City of Marshfield Planner/Zoning Administrator. One copy will be kept on file in the Department of Planning & Economic Development and one copy will be forwarded to the City Assessor.

(Ord. No. 1190, § 2, 12-14-2010)

Article V. Park & Recreational Land Dedications

Sec. 19-80. Dedication of land for parks and recerational areas

(1) *Purpose*. This section is adopted to provide recreational areas in the form of parks, playgrounds, trails, recreation and open spaces as a function of subdivision and development in the City of Marshfield.

(2) *Review*. Upon the submission of a preliminary plat for a major subdivision, the zoning administrator shall determine the dedication requirements and review them based on recommendations in the City's Comprehensive Plan and Comprehensive Outdoor Recreation Plan and request that this item be placed on the Parks and Recreational Forestry Committee's subsequent meeting agenda. The Parks and Recreational Forestry Committee shall review all park, playground, trail, recreation and open space dedications and provide a recommendation to the Common Council based on the dedication requirements in Sec. 19-81.

(3) *Dedication Requirement*. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, playgrounds, trails, recreation and open spaces may be equitably apportioned on the basis of additional need created by residential development, each subdivider of a major subdivision for residential use shall be required to dedicate land or fees in lieu of land for parks, recreation or open spaces.

(4) *General Design*. In the design of a major subdivision or planned unit development, provision shall be made for suitable sites of adequate area for parks, playgrounds, trails, recreation and open spaces. Such sites are to be shown on the Preliminary Plat and Final Plat, and the following areas should be preserved when feasible but shall not count towards the required parkland dedication: scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

(5) *Site Reservations Required*. Where the area proposed to be divided contains a park, playground, trail, or other public area which is shown in the Comprehensive Plan or the Comprehensive Outdoor Recreation Plan, such area shall either be dedicated to the proper public agency, or, at the Common Council's determination, it shall be reserved for acquisition thereby within a three (3) year period by purchase or other means if such lands meet or exceed dedication requirements. If the land is not acquired during this period, it shall be released to the subdivider.

(Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-81. Dedication requirements

(1) *Dedication of Sites*. When feasible and compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, the subdivider shall provide and dedicate to the public adequate land to provide for park, playground, trail, recreation and open space needs of the land development within the City of Marshfield. The location of such land to be dedicated shall be determined by the Common Council. Where the dedication is not compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, or for other reasons is not feasible as determined by the Common Council, the subdivider shall, in lieu thereof, pay to the City a fee as established by this Article, or a combination thereof.

(2) *Dedication of Parks, Playgrounds, Trails, Recreation and Open Spaces*. The subdivider shall dedicate sufficient land area to provide adequate parks, playgrounds, trails, recreation and open spaces to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be one (1) acre for each forty-five (45) potential dwelling units or fractions thereof.

(3) *Combination of Residential Uses*. Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding the potential residential units intended for single-family and two-family dwellings, and the potential residential units intended for multifamily dwellings. Where a definite commitment is made to the City by the developer with respect to those portions of the project intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.

(4) Minimum Size of Park and Recreation Land Dedications.

a. In general, land reserved for parks, playgrounds, recreation and open spaces purposes shall have an area of at least one (1) acre of contiguous land. Where the amount of land to be dedicated is less than one (1) acre, the Common Council may require that the recreation area be located at a suitable place on the edge of the proposed major subdivision or planned unit development so that additional land may be added at such time that the adjacent land is subdivided.

b. Land dedicated for the purpose of establishing trails shall be shown as an easement on the Preliminary and Final Plats. The minimum width of the easement shall be no less than thirty (30) feet wide. Widths greater than 30 feet may be required in certain circumstances as determined by the Plan Commission. Neither end of the easement may result in a dead-end, unless a future connection has been identified or may be reasonably established. Up to onehundred percent (100%) of the total land area of the granted easement may be counted towards the overall dedication requirement.

c. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have frontage on one or more streets for public access. The Common Council shall make the final determination of suitability.

(5) Fees in Lieu of Land.

a. Where, the Common Council, determines there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the City's Comprehensive Plan or Outdoor Recreation Plan, the minimum size under Section 19-81 (4) cannot be met, or City officials determine that a cash contribution would better serve the public interest, the Common Council, shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a non-lapsing fund to be used for purchase, development, and improvement of parks, playgrounds, trails, recreation and open spaces. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be $200.00 for each residential unit. The fee shall be paid to the City at the time of final plat approval.

b. The Common Council may, permit the subdivider to satisfy the requirements of this Article by combining a land dedication with a fee payment. If only a percent of the land dedication is made, the subdivider shall also contribute an amount equal to the required per unit fee in lieu of land. For example, if a land dedication of twenty-five percent (25%) of the required dedication is made, the subdivider shall also contribute an amount equal to seventyfive percent (75%) of the required per unit fee in lieu of land.

c. The City shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Common Council in any City-owned park, for developing adequate parks, playgrounds, trails, recreation and open spaces.

(6) *Limitations*. A subdivider shall not be required to dedicate more than one-fifth (1/5) of the total area of the plat to meet the objectives of this Section.

(7) *Suitability of Lands*. Common Council shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(8) *Access to Dedicated* Land. All dedicated land shall have frontage on a public street and shall have public access.

(9) *Utility Extensions*. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-82. When additional land is to be reserved

(1) When public parks and sites for other public areas as shown on the Comprehensive Plan lie within the proposed area for development and are greater in area than required by Section 19-81 (4), the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of three (3) years of Final Plat approval unless extended by mutual agreement.

(Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-83. Standards for dedicated lands

(1) When parklands are dedicated to the City, the subdivider is required to:

a. Properly grade and contour for proper drainage;

b. Provide surface contour suitable for anticipated use of area as approved by the City Engineer; and

c. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the City. The improved are shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the City accepts the dedication.

(2) It shall be the responsibility of the City to maintain the dedicated areas upon their dedication and acceptance by the City.

(3) The Common Council may require certification of compliance with this Article by the subdivider. The cost of such report shall be paid by the subdivider.

(4) If the subdivider fails to satisfy the requirements of this Section, the Common Council may contract said completion and bill such costs to the subdivider, following a written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(5) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.

(Ord. No. 1190, § 2, 12-14-2010)

Chapter 20

SHORELAND-WETLANDS

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Article I. In General

Sec. 20-01. Statutory authorization, findings of fact and statement of purpose.

(1) Statutory authorization. This chapter has been adopted pursuant to the authorization of §§ 62.23 and 62.231 Wis. Stats. and NR 117.01 et seq. Wis. Admin. Code.

(2) Findings of fact and purpose. Uncontrolled use of the shorelands-wetlands and pollution of the navigable waters of the city would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to all municipalities to:

(a) Promote the public health, safety, convenience and general welfare;

(b) Maintain the stormwater and floodwater storage capacity of wetlands;

(c) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(d) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;

(e) Prohibit certain uses detrimental to the shoreland-wetland area; and

(f) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth-moving activities.

(Code 1982, § 27.01(1)(a))

Sec. 20-02. Definitions.

(1) For the purpose of administering and enforcing this chapter, the terms or words used in this chapter shall be interpreted as follows:Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

(2) The following terms used in this chapter mean:

Accessory structure or use means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

Class 2 public notice means publication of a public hearing notice under ch. 985 Wis. Stats. in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

Conditional use means a use which is permitted by this chapter provided that certain conditions specified in the chapter are met and that a permit is granted by the planning commission.

Department means the Wisconsin Department of Natural Resources.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or

substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Drainage system means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Environmental control facility means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards, or which are to be supplemented or replaced by other pollution control facilities.

Navigable waters means all streams, sloughs, flowages and other waters within the territorial limits of this state which are navigable under the laws of this state. Under § 281.31(2)(d) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland chapters required under § 62.231 Wis. Stats. and chapter NR 117, Wis. Admin. Code do not apply to lands adjacent to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river;

(b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(c) Such lands are maintained in nonstructural agricultural use.

Ordinary high-water mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Planning agency means the city plan commission created under § 62.23(1) Wis. Stats., a board of public land commissioners or a committee of the city's governing body which acts on matters pertaining to planning and zoning.

Shoreland-wetland district means the zoning district, created in this shoreland-wetland zoning chapter, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this chapter.

Shorelands means lands 1,000 feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake.

Unnecessary hardship means that circumstance where special conditions, which are not selfcreated, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

Variance means an authorization granted by the board of appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this chapter.

Wetland alteration means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Wetlands means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

(Code 1982, § 27.01(8))

Sec. 20-03. General provisions.

(1) *Compliance.* The use of wetlands and the alteration of wetlands within the shoreland area of the city shall be in full compliance with the terms of this chapter and other applicable local, state or federal regulations. (However, see section 20-04 of this chapter, for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this chapter.

(2) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 13.48(13)Wis. Stats. applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.12(4)(a) Wis. Stats. applies.

(3) Abrogation and greater restrictions.

(a) This chapter supersedes all the provisions of any municipal zoning chapter enacted under § 62.23 or § 87.30 Wis. Stats., which relate to floodplains and shorelandswetlands, except that where another municipal zoning chapter is more restrictive than this chapter, that chapter shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(4) *Interpretation.* In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in chapter NR 117, Wis. Admin. Code, the provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of the ordinance from which this chapter derives or in effect on the date of the most recent text amendment to this chapter.

(5) *Severability.* Should any portion of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

(6) *Annexed areas.* The Wood County/Marathon County shoreland zoning provisions in effect on the date of annexation shall remain in effect and shall be administered by the city for all areas annexed by the city after May 7, 1982. These annexed lands shall be described on the city's official zoning map. TheWood County/Marathon County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and shall be kept on file in the office of the zoning administrator.

(Code 1982, § 27.01(2))

Sec. 20-04. Nonconforming structures and uses.

(1) The lawful use of a building, structure or property which existed at the time the ordinance from which this chapter derives, or an applicable amendment to this chapter, took effect and which is not in conformity with the provisions of this chapter, including the routine maintenance of such a building or structure, may be continued, subject to the conditions in this section.

(2) The shoreland-wetland provisions of this chapter authorized by § 62.231 Wis. Stats. Shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure in existence on the effective date of the shoreland-wetland provisions, or of any environmental control facility in existence on May 7, 1982 related to such a structure. All other modifications to nonconforming structures are subject

to § 62.23(7)(h) Wis. Stats. which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.

(3) If a nonconforming use of the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to this chapter.

(4) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption of the ordinance from which this chapter derives or subsequent amendment of this chapter adopted under § 62.231Wis. Stats. may be continued although such use does not conform with the provisions of the chapter. However, such nonconforming use may not be extended.

(5) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(Code 1982, § 27.01(4))

Sec. 20-05. Amending shoreland-wetland zoning regulations.

(1) The council may alter, supplement or change the district boundaries and the regulations contained in this chapter in accordance with the requirements of § 62.23(7)(d)2Wis. Stats. and NR 117 Wis. Admin. Code and the provisions of this section.

(2) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the department within five days of the submission of proposed amendment to the plan commission.

(3) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the plan commission, and a public hearing shall be held after class 2 notice as required by § 62.23(7)(d)2 Wis. Stats. The appropriate district office of the department shall be provided with written notice of the public hearing at least ten days prior to such hearing.

(4) In order to ensure that this chapter will remain consistent with the shoreland protection objectives of § 281.31 Wis. Stats., the council may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

(a) Stormwater and floodwater storage capacity;

(b) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

(c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(d) Shoreline protection against erosion;

(e) Fish spawning, breeding, nursery or feeding grounds;

(f) Wildlife habitat; or

(g) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

(5) Where the district office of the department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection (4) of this section, the department shall so notify the city of its determination either prior to or during the public hearing held on the proposed amendment.

(6) The appropriate district office of the department shall be provided with:

(a) A copy of the recommendation and report, if any, of the plan commission on a proposed text or map amendment, within ten days after the submission of those recommendations to the council.

(b) Written notice of the action on the proposed text or map amendment within ten days after the action is taken.

(7) If the department notifies the plan commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection (4) of this section, that proposed amendment, if approved by the council, shall not become effective until more than 30 days have elapsed since written notice of the city approval was mailed to the department, as required by subsection (6)(a) of this section. If within the 30-day period the department notifies the city that the department intends to adopt a superseding shorelandwetland zoning chapter for the city as provided by § 62.231(6) Wis. Stats., the proposed amendment shall not become effective until the chapter adoption procedure under § 62.231(6) Wis. Stats. is completed or otherwise terminated.

(Code 1982, § 27.01(6))

Secs. 20-6—20-30. Reserved.

Article II. Administration and Enforcement

Sec. 20-31. Administrative provisions.

(1) *Zoning administrator.* The City of Marshfield Zoning Administrator is appointed zoning administrator for the purpose of administering and enforcing this chapter. The zoning administrator shall have the following duties and powers, in addition to those powers and duties provided at section 18-31 of this Code:

(a) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications and appeal forms.

(b) Issue permits and certificates of compliance and inspect properties for compliance with this chapter.

(c) Keep records of all permits issued, inspections made, work approved and other official actions.

(d) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.

(e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten days after they are granted or denied, to the appropriate district office of the department.

(f) Investigate and report violations of this chapter to the plan commission or city attorney.

(2) *Zoning permits.* Zoning permits are required and shall be submitted in accordance with the following:

(a) When required. Unless another section of this chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the zoning administrator before any new development, as defined in section 20-02(2) of this chapter, or any change in the use of an existing building or structure is initiated.

(b) Application. An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the city and shall include, for the purpose of proper enforcement of these regulations, the following information:

1. *General information.* General information as follows:

a. Names, addresses, and telephone numbers of the applicant, property owner and contractor, where applicable.

b. Legal description of the property and a general description of the proposed use or development.

c. Whether or not a private water supply or sewer system is to be installed.

2. *Site development plan.* The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

a. Dimensions and area of the lot;

b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

c. Description of any existing or proposed on-site sewer systems or private water supply systems;

d. Location of the ordinary high-water mark of any abutting navigable waterways;

e. Boundaries of all wetlands;

f. Existing and proposed topographic and drainage features and vegetative cover;

g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;

h. Location of existing or future access roads;

i. Specifications and dimensions for areas of proposed wetland alteration.

(c) *Expiration.* All permits under the authority of this chapter shall expire 12 months from the date of issuance.

(3) *Certificates of compliance.* Certificates of compliance shall be obtained in accordance with the following:

(a) Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this chapter.

2. Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.

3. The certificate of compliance shall be issued within ten days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this chapter.

(b) The zoning administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the council.

(c) Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of adoption of the ordinance from which this chapter derives, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

(4) *Conditional use permits.* Conditional use permits shall be obtained in accordance with the following:

(a) Application for conditional use permits shall be subject to the standards and procedures provided at section 18-32 of this Code.

(b) Fees for conditional use applications and permits shall be as provided at section 18-31 (4) of this Code.

(5) *Recording.* Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structures permitted.

(6) *Revocation.* Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the zoning administrator.

(Code 1982, § 27.01(5))

Sec. 20-32. Enforcement and penalties.

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of the ordinance from which this chapter derives in violation of the provisions of this chapter, by any person (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the plan commission and the district attorney, corporation counsel or city attorney, who shall prosecute such violations. Any person who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture as outlined in section 1-05 of this Code. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the city, the state, or any citizen thereof pursuant to § 87.30(2) Wis. Stats.

(Code 1982, § 27.01(7))

Sec. 20-33. Board of appeals.

(1) Appeals from any order, requirement, decision or determination pursuant to this chapter shall be subject to the board of appeals procedure provided at section 18-34 of this Code.

(2) The board of appeals may grant variances to the provisions of this chapter, pursuant to section 18-35 of this Code.

(Code 1982, § 27.01(5)(h))

Secs. 20-34—20-60. Reserved.

Article III. District

Sec. 20-61. Shoreland-wetland zoning district.

(1) Shoreland-wetland zoning maps. The following maps are hereby adopted and made a part of this chapter and are on file in the office of the city clerk:

(a) Wisconsin Wetland Inventory Maps stamped "final revised" on December 22, 1992.

(b) Department of Housing and Urban Development, Federal Insurance Administration, Flood Hazard Boundary Maps.

(2) District boundaries. Boundaries of the shoreland-wetland zoning district shall be as follows:

(a) The shoreland-wetland zoning district includes all wetlands in the city which are five acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this chapter and which are: within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base which have been incorporated by reference and made a part of this chapter. Floodplain zoning maps adopted at subsection (1)(a) of this section shall be used to determine the extent of floodplain areas.

(b) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the department for final determination of navigability or ordinary high-water mark.

(c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the department to determine if the shoreland-wetland district boundary as mapped is in error. If department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in subsection (1) of this section, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

(d) Filled wetlands. Wetlands which are filled prior to September 29, 1988, the date on which the city received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this chapter.

(3) Permitted uses. The following uses are permitted subject to the provisions of chs. 30 and 31 Wis. Stats. and the provisions of other local, state and federal laws, if applicable:

(a) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

1. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;

2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

3. The practice of silviculture, including the planting, thinning and harvesting of timber;

4. The pasturing of livestock; and

5. The cultivation of agricultural crops.

(b) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided as follows:

1. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

2. The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

3. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

4. The construction and maintenance of walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

5. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in section 20-05(4) of this chapter; and

6. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(4) Conditional uses. Conditional uses are uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided as follows:

(a) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under subsection (3) of this section, provided that:

1. The road cannot, as a practical matter, be located outside the wetland;

2. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in section 20-05(4) of this chapter;

3. The road is designed and constructed with the minimum cross sectional area practical to serve the intended use;

4. Road construction activities are carried out in the immediate area of the roadbed only; and

5. Any wetland alteration must be necessary for the construction or maintenance of the road.

(b) The construction and maintenance of nonresidential buildings provided that:

1. The building is used solely in conjunction with a use permitted in the shorelandwetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;

2. The building cannot, as a practical matter, be located outside the wetland;

3. The building does not exceed 500 square feet in floor area; and

4. Only limited filling and excavating necessary to provide structural support for the building is allowed.

(c) The establishment and development of public and private parks and recreation areas; outdoor education areas; historic, natural and scientific areas; game refuges and closed areas; fish and wildlife habitat improvement projects; game bird and animal farms; and wildlife preserves, provided that:

1. Any private development allowed under this subsection shall be used exclusively for the permitted purpose;

2. Only limited filling and excavating necessary for the development of the construction of park shelters or similar structures is allowed;

3. The construction and maintenance of roads necessary for the uses permitted under this subsection are allowed only where such construction and maintenance meets the criteria of subsection (4)(a) of this section; and

4. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(d) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:

1. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

2. Only limited filling or excavating necessary for such construction or maintenance is allowed; and

3. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in section 20-05(4) of this chapter.

(5) Prohibited uses. Any use not listed in subsections (3) and (4) of this section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with section 20-05 of this chapter.

(Code 1982, § 27.01(3))

Chapter 21

PARKS AND RECREATION

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Sec. 21-01. Jurisdiction over parks.

All lands in the city which have been or are hereafter designated or dedicated as public parks or playgrounds shall be under the jurisdiction of the parks, recreation and forestry committee and shall be administered by the parks, and recreation department.

(Code 1982, § 19.01)

Sec. 21-02. Hours of use of Wildwood Park regulated.

(1) Purpose. This section is hereby declared to be necessary for the protection of the safety, health, welfare and morals of the residents of the city.

(2) Regulations. All parks, including all parking lots and park drives therein, excepting public streets, shall remain open daily to the public only between the hours of 6:00 a.m. and 10:30 p.m. of each day except when closed by the parks and recreation department to perform maintenance work or provide security to the zoo animal areas, and the director of parks and recreation is authorized to post appropriate signs giving notice thereof. It is unlawful for any person, other than city personnel conducting city business thereon, to occupy or be present in a park during the hours the park is not open to the public. Except as authorized and approved by the director of parks and recreation and the policies and procedures adopted pursuant to this section, such prohibition shall not apply to athletic facilities, regularly scheduled athletic events authorized and approved by the director of parks and recreation, and public celebra-tions or events authorized or sponsored by the city.

(3) Rentals. The parks and recreation director may, upon request by a party renting the Wildwood Station park shelters or other facilities under his control, allow persons to be in the immediate area until 12:00 midnight.

(Code 1982, § 19.02)

Sec. 21-03. Use of Wildwood Park waters regulated.

No person shall use any of the waters located in Wildwood Park for boating, swimming, ice fishing or wind surfing purposes at any time.

(Code 1982, § 19.03)

Sec. 21-04. Restriction of certain motor vehicles in portions of Wildwood Park.

No person shall operate or park any motor vehicle, trailer or other similar object having a gross weight of three tons or more on that certain city park road which connects South Maple Avenue with Praschak Wayside Road.

(Code 1982, § 19.04)

Sec. 21-05. Camping area parking limits.

(1) Restricted. No person shall park any vehicle, trailer, mobile home or similar camping equipment for a period exceeding 72 hours in or on any city-operated campground without a permit therefor.

(2) Camping area fees. Before any person parks any vehicle or equipment as allowed in subsection (1) of this section on any public campground he or she shall pay such camping fee as has been established by the parks, recreation and forestry committee.

(Code 1982, § 19.05)

Sec. 21-06. Public swimming places.

(1) Provision of Wisconsin Administrative Code adopted. Chapter DHS 172 and DHS 390 of the Wisconsin Administrative Code, containing rules of the department of health and (social service) family services and the department of safety and professional services pertaining to construction, safety, maintenance and operation of public swimming pools and swimming places, are hereby adopted by reference and made a part of this chapter with the same force and effect as though set out in full in this chapter.

(2) Inspection program. The county health officer shall conduct the inspection program required by the provisions of the Wisconsin Administrative Code referred to in subsection (1) of this section.

(Code 1982, § 19.06)

Sec. 21-07. Penalty.

Any person found to be in violation of the provisions of this chapter shall be subject to a penalty as provided in section 1-05 of this Code.

(Code 1982, § 19.10)

Chapter 22

MUNICIPAL AIRPORT

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Article I. Administration and Enforcement

Sec. 22-01. Airport committee.

(1) The airport committee of the council shall have jurisdiction over the construction, improvement, equipment, maintenance and operation of the airport, subject to the approval of the council.

(2) The airport committee shall adopt regulations and establish fees or charges for the use of the airport not inconsistent with this chapter. Such regulations, fees and charges will become effective when approved by the council.

(3) The airport committee may employ a manager whose duties and responsibilities shall be specified in writing and whose employment and salary shall be approved by the council.

(4) The manager, under the supervision of the airport committee, shall have the duty of administering and enforcing all airport ordinances, leases and agreements, and rules and regulations.

(5) The airport committee and the manager shall meet at least once each calendar quarter to inspect the airport facilities, review airport operations and financial matters, and discuss proposed airport development and other business, minutes of which meeting shall be submitted to the council for approval.

(6) The airport committee shall, in cooperation with the appropriate municipal department, establish an airport accounting system of sufficient detail to enable the committee to accurately establish rates and charges, eliminate inefficient operation and maintenance practices, and accomplish sound financial planning.

(7) The airport committee shall prepare and submit an annual report to the council. Such report shall include current information on aircraft operations, based aircraft, airport expenditures and revenues, along with comparative figures for the past year and projections for the coming year, and include other information deemed pertinent.

(8) The airport committee shall prepare and submit to the council an annual budget setting forth anticipated revenues and expenditures, including capital improvements.

(9) The airport committee shall establish minimum requirements for the conduct of aeronautical services on the airport and vehicle and pedestrian traffic on the airport.

(10) The airport committee shall prepare and submit for adoption by the council standard leases and agreements for the various types of airport activities and land uses authorized in this chapter.

(11) The airport committee shall make studies and conduct surveys as appropriate to assist in improving the operation of the airport. It shall cooperate with the Wisconsin Division of Aeronautics and the FederalAviation Administration in airport and system planning functions and other activities.

(12) The airport committee shall cooperate with and receive the cooperation of all municipal departments providing services or assistance to the airport.

(Code 1982, § 21.03)

Sec. 22-02. Definitions of Words and phrases.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport means the Marshfield Municipal Airport.

Corporate hangar means a building housing one or more aircraft for the personal or business use of the hangar owner or lessee, and wherein no commercial activities are allowed.

Fixed-base operator means any person conducting any aeronautical business on the airport.

Manager means the person employed by the city under section 22-01 of this chapter.

Multiple T-hangar means a building composed of partitioned, nested units designed to house no more than one aircraft in each unit and having single door openings for each unit.

Operator means a fixed-base operator.

Owner means the City of Marshfield.

(Code 1982, § 21.01)

Sec. 22-03. Establishment of land use areas.

In order to carry out the purposes and provisions of this chapter, the land use areas shall be established by resolution of the council and are made a part of this chapter by reference.

(1) Municipal terminal area. This area shall be reserved for the public terminal building and other public use facilities.

(2) Utility and service area. This area shall be reserved for utility, service, crash, fire and rescue, and maintenance facilities operated by the owner.

(3) Commercial aviation areas.

(a) This area shall be reserved for commercial aviation business normally conducted by fixed-base operators. Allowable activities include but are not limited to: aircraft sales and rental; airframe, power plant, and instrument repair; aircraft fuel and oil dispensing; flight training; and air taxi service.

(b) Minimum lot sizes and setbacks shall be in conformity with the airport land use maps, and building heights shall conform with Federal Aviation Regulations.

(c) The location of specialized commercial aviation businesses that pose special safety and operational problems, such as agricultural spraying facilities, shall be considered on an individual basis by the airport committee.

(4) Corporate hangar area.

(a) This area shall be reserved for noncommercial hangars, excluding multiple T-hangars, and the exclusive use of this area shall be aircraft housing. No commercial activities shall be conducted from a corporate hangar. No flammable liquids shall be stored above or below the ground, nor shall aviation fuel be dispensed in this area other than by dispensing equipment operating from the commercial aviation areas or fuel farm areas.

(b) Lot sizes and setbacks shall be in conformity with the airport land use maps, and building heights shall conform with Federal Aviation Regulations.

(5) Multiple T-hangar areas.

(a) This area shall be reserved for the location of multiple-unit T-hangars for the storage of aircraft. No commercial activities shall be conducted from a multiple T-hangar. No flammable liquids shall be stored or used in this area, nor shall aviation fuel be dispensed into any aircraft while in a hangar. Aircraft, vehicles and equipment shall be parked in a manner which does not interfere with the movement of aircraft. Aircraft maintenance or repair that creates a fire hazard or endangers other aircraft or property of another is prohibited.

(b) Lot sizes and setbacks shall be in conformity with the airport land use maps, and building heights shall conform with Federal Aviation Regulations.

(6) Tie-down areas. These areas are reserved for longterm parking of aircraft based on the airport, or those transient aircraft remaining overnight. Temporary tie-down areas may be designated by the airport committee or manager.

(7) Public apron areas. These areas are reserved for unloading or loading passengers and cargo, refueling aircraft and temporary parking of aircraft.

(8) Auto parking areas. These areas are reserved for automobile parking. Temporary vehicle parking areas may also be designated by the committee or manager.

(9) Agricultural area. These areas are reserved for agricultural purposes under approved leases until such time as they are designated for other purposes by the airport committee.

(10) Industrial park area. This area shall be reserved for the location of businesses compatible with airport operations.

(a) Proposals for leasing land in this area will be reviewed on an individual basis by the committee.

(b) Lot sizes, setbacks, building heights and design shall be specified in the written agreement between the lessee and the airport committee.

(11) Air cargo area. This area shall be reserved for the location of businesses engaged solely in the transportation of everything except passengers and baggage.

(a) Proposals for leasing land in this area will be reviewed on an individual basis by the committee.

(b) Lot sizes, setbacks, and building heights shall be specified in the written agreement between the lessee and the committee.

(12) Fuel farm area.

(a) This area is reserved for the underground storage of fuel used in aircraft.

(b) A written agreement between a fuel farm tenant, other than a fixed-base operator, and the airport committee shall contain, but shall not be limited to, the following provisions:

1. At no time shall the tenant share, sublease, or in any other manner provide fuel or fueling facilities to any other tenant or any other aircraft except those aircraft owned or leased for the exclusive use of the tenant designated in this agreement.

2. The tenant shall install and maintain all fuel facilities within the fuel farm in accordance with plans and specifications approved in writing by the airport committee.

3. The tenant shall comply with all federal, state and local laws and regulations governing the installation, operation and maintenance of all fueling facilities, equipment and dispensing trucks.

4. Dispensing trucks, bulk fuel trucks, emergency vehicles, and other vehicles approved by the committee or manager shall be the only vehicles permitted within the fuel farm.

5. All fuel storage shall be in underground tanks with only necessary equipment such as valves, meters and vents protruding above ground.

6. Each prospective fuel farm tenant shall submit to the committee a written proposal which sets forth the extent of operations to include: fuel grades; estimated annual volume; experience and training of fuel handling personnel; type, size and condition of all fueling facilities and equipment to be used; and provisions for the security and safety of the facility.

(13) Automobile gasoline fueling area. The area described in this subsection, and no other area, shall be used for fueling aircraft with automobile gasoline: commencing at the northwest corner of the northwest quarter of the northeast quarter of section 19, township 25 north, range 3 east, thence east along the north line of such section 19 a distance of 182.42 feet; thence southeasterly at an angle of 111 degrees 37¢ a distance of 113.77 feet; thence northeasterly at a right angle a distance of 15 feet to the point of beginning; thence northwesterly at a right angle a distance of 50 feet; thence northeasterly at a right angle a distance of 50 feet; thence southeasterly at a right angle a distance of 50 feet; thence southwesterly at a right angle a distance of 50 feet to the point of beginning; lying in the City of Marshfield, Wood County, Wisconsin.

(Code 1982, § 21.05)

Sec. 22-04. Airport operation policies.

The airport committee, in carrying out its duties and responsibilities, shall adhere to the following policies:

(1) The city shall refrain from engaging in any activity of providing any service, excluding airport maintenance, using public employees or funds that can be conducted or provided satisfactorily by private parties through proper lease arrangements.

(2) The city shall encourage the development of the airport, especially in those areas where substantial building costs are incurred by lessees, by approving longterm leases which provide for the reexamination and readjustment of rates and charges at specified periods of time during the term of the lease.

(3) The city may provide or participate in the installation of utility service up to a lessee's property line. The lessee shall bear such costs on his leased property.

(4) No person shall engage in any business or commercial activity whatsoever on the airport except under the terms and conditions prescribed in a written agreement between the lessee and the city. Lessees shall be selected on the basis of their qualification, financial capabilities, and services offered; and not solely by bid basis. In determining the use of public building space, first consideration shall be given to public necessity and convenience. The airport committee will provide the Wisconsin Division of Aeronautics with one complete copy of each current lease and agreement.

(5) Buildings to be constructed by lessees shall conform to all state and local building codes, and the building plans shall be subject to the approval of the committee; Wisconsin Department of Commerce; Wisconsin Division of Aeronautics; and the Federal Aviation Administration.

(6) No person shall engage in the activity of storing, transporting, or dispensing of aviation fuels to the general public except those persons satisfying the requirements as set forth in the minimum standards.

(7) No person shall engage in the activity of storing, transporting or dispensing of noncommercial aviation fuels except those persons satisfying the requirements as set forth under section 22-03(12) of this chapter, fuel farm area, and holding a written agreement with the city to do so.

(8) The storage of all aviation fuel shall be in underground tanks only, and the city shall encourage the installation of all aviation fuel storage in the fuel farm area.

(9) Aircraft ground access to the airport property shall not be allowed, except from an approved airport industrial park as depicted on the airport layout plan.

(Code 1982, § 21.04)

Sec. 22-05. Enforcement.

The airport manager and the police department of the city shall enforce the provisions of ss. 22-03 and 22-04 and article II of this chapter. The minimum standards of article III of this chapter shall be enforced by the airport committee and the council.

(Code 1982, § 21.15)

Sec. 22-06. Penalties.

Any person who shall violate any provision of this chapter or any regulation, rule or order made under this chapter shall be subject to a penalty as provided in section 1-05 of this Code.

(Code 1982, § 21.16)

Secs. 22-7—22-20. Reserved.

Article II. Traffic

Sec. 22-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency equipment means crash, fire and rescue or police motor vehicle, and such other equipment as the airport manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

Pedestrian means any person afoot.

Service, maintenance and construction equipment means approved equipment normally operated by the airport manager, the fixed-base operator, and/or the Federal Aviation Administration on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the city.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn excepting aircraft.

(Code 1982, § 21.10)

Sec. 22-22. Operation of vehicles on runways, taxiways and ramps.

(1) No vehicle shall enter, be driven upon or operated upon any airport runway, taxiway, ramp, tie-down area or any area posted by signs prohibiting the entrance thereon.

(2) The provisions of this section shall not apply to emergency equipment or service, maintenance and construction equipment when engaged in performing normal duties.

(3) Aircraft owners may be granted authorization by the airport manager or his designated representative to operate a vehicle to reach their own aircraft in a tie-down area. Aircraft owners desiring to operate a vehicle for this purpose will request such authorization in advance. Any authorization granted shall apply only to a specific need request. Blanket-type authorizations shall not be granted. Unless specifically authorized, aircraft owners shall not pass over any runway, taxiway or ramp and shall proceed through the tie-down area at a speed not to exceed ten miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of part 139, Federal Aviation Regulations.

(Code 1982, § 21.11)

Sec. 22-23. Speed of vehicles.

No vehicle shall be driven upon any road within the perimeter of the airport, or upon other airport areas, in excess of the speed limit posted at the entrance to the airport, or within the boundaries thereof if more than one speed limit shall be applicable, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about the airport.

(Code 1982, § 21.12)

Sec. 22-24. Pedestrian traffic on airport.

No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tiedown area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the airport manager, or fixed based operator. Pedestrian traffic is prohibited on taxiways, runways, and outlying areas of the airport except for those employees of the city, county, state, federal government, or contractors engaged in airport construction or maintenance work.

(Code 1982, § 21.13)

Secs. 22-25—22-40. Reserved.

Article III. Minimum Standards

Sec. 22-41. Preamble.

In order to ensure adequate aeronautical services and facilities to the user of the Marshfield Municipal Airport, and to encourage the development of the airport and its activity, and to foster the economic health and orderly development of commercial aeronautical operators at the airport, this article is adopted to provide:

(1) The minimum standards for a person based upon and engaging in one or more aeronautical services at the airport.

(2) Lease clauses which shall be included in all leases between the city and any person desiring to be based upon the airport, and engage thereon in any aeronautical service.

(Code 1982, § 21.20)

Sec. 22-42. Aircraft sales.

(1) Statement of concept. An aircraft sales operator is a person engaged in the sale of new or used aircraft through franchises or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise; and provides such repair, services, and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by him.

(2) Minimum standards. Minimum standards for an aircraft sales operator shall be as follows:

(a) The operator shall lease from the city an area of not less than 11,000 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 4,000 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge and restrooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall provide auto parking space within the leased area to accommodate at least seven automobiles.

(c) The operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the operator's office.

(d) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.

(e) The operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop operator at the airport. The operator shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The operator who is engaged in the business of selling new aircraft shall have available or on call at least one single engine demonstrator.

(f) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified.

1. Aircraft liability:

   a. Bodily injury (each accident): $100,000.00 each person. $1,000,000.00 each accident.

   b. Passenger liability: $100,000.00 each passenger, each accident.

   c. Property damage: $300,000.00 each accident.

2. Comprehensive public liability and comprehensive property damage: $1,000,000.00 each accident.

(g) The operator shall have his premises open and services available eight hours daily, five days a week.

(h) The operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner, but never less than one person having a current, effective commercial pilot certificate with single engine rating and instructor rating.

(i) The operator shall make provision for someone to be in attendance at all times during the required operating hours.

(Code 1982, § 21.21)

Sec. 22-43. Airframe and power plant repair facilities.

(1) Statement of concept. An aircraft engine and airframe maintenance and repair operator is a person providing one or a combination of airframe and power plant repair service, but with at least one person currently certified by the Federal Aviation Administration with ratings appropriate to the work being performed. This category of aeronautical services shall also include the sale of aircraft parts and accessories, but such is not an exclusive right.

(2) Minimum standards. Minimum standards for an aircraft engine and airframe maintenance and repair operator shall be as follows:

(a) The operator shall lease from the city an area of not less than 11,000 square feet of ground space on which shall be erected a building to provide at least 4,000 square feet of floor space for airframe and power plant repair services including a segregated painting area, all meeting local and state industrial code requirements, and at least 1,000 square feet of floor space for office, customer lounge and restrooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall provide auto parking space within the leased area to accommodate at least seven automobiles.

(c) The operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the operator's office.

(d) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.

(e) The operator shall provide sufficient equipment, supplies and availability of parts equivalent to that required for certification by the Federal Aviation Administration as an approved repair station.

(f) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

1. Comprehensive public liability and comprehensive property damage:

    a. Bodily injury: $1,000,000.00 each accident.

    b. Property damage: $1,000,000.00 each accident.

2. Hangar keepers' liability: $1,000,000.00 each accident.

3. Products liability: $1,000,000.00 each accident.

(g) The operator shall have his premises open and services available eight hours daily, five days each week.

(h) The operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner, but never less than one person currently certified by the Federal Aviation Administration with ratings appropriate to the work being performed and who holds an airframe, power plant or an aircraft inspector rating, and one other person not necessarily rated.

(i) The operator shall make provision for someone to be in attendance at all times during the required operating hours.

(Code 1982, § 21.22)

Sec. 22-44. Aircraft rental.

(1) Statement of concept. An aircraft rental operator is a person engaged in the rental of aircraft to the public.

(2) Minimum standards. Minimum standards for an aircraft rental operator shall be as follows:

(a) The operator shall lease from the city an area of not less than 11,000 square feet of ground space and on which shall be erected a building to provide at least 4,000 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge and restrooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall provide auto parking space within the leased area to accommodate at least seven automobiles.

(c) The operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the operator's office.

(d) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.

(e) The operator shall have available for rental, either owned or under written lease to the operator, not less than two certified and currently airworthy aircraft, at least one of which must be a four-place aircraft, and at least one of which must be equipped for and capable of flight under instrument conditions.

(f) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

1. Aircraft liability:

a. Bodily injury: $1,000,000.00 each accident.

b. Property damage: $300,000.00 each accident.

2. Comprehensive public liability and comprehensive property damage:

a. Bodily injury: $1,000,000.00 each accident.

b. Property damage: $300,000.00 each accident.

3. Student and renters' liability: $1,000,000.00 each accident.

(g) The operator shall have his premises open and services available eight hours daily, seven days a week.

(h) The operator shall have in his employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards in an efficient manner, but never less than one person having a current commercial pilot certificate with appropriate ratings, including instructor rating. The operator shall make provision for someone to be in attendance at all times during the required operating hours.

(Code 1982, § 21.23)

Sec. 22-45. Flight training.

(1) Statement of concept. A flight training operator is a person engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the categories of pilots' licenses and ratings involved.

(2) Minimum standards. Minimum standards for a flight training operator shall be as follows:

(a) The operator shall lease from the city an area of not less than 11,000 square feet of ground space and on which shall be erected a building to provide at least 4,000 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, classroom, briefing room, pilot lounge and restrooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall provide auto parking space within the leased area to accommodate at least seven automobiles.

(c) The operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the operator's office.

(d) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.

(e) The operator shall have available for use in flight training, either owned or under written lease to the operator, not less than two properly certified aircraft, at least one of which must be a four-place aircraft, and at least one of which must be equipped for and capable of use in instrument flight instruction.

(f) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

1. Aircraft liability:

    a. Bodily injury: $1,000,000.00 each accident.

    b. Property damage: $300,000.00 each accident.

2. Comprehensive public liability and comprehensive property damage:

    a. Bodily injury: $1,000,000.00 each accident.

    b. Property damage: $300,000.00 each accident.

3. Student and renters' liability: $1,000,000.00 each accident.

(g) The operator shall have his premises open and services available eight hours daily, six days a week.

(h) The operator shall have on a full-time basis at least one flight instructor who has been properly certified by the Federal Aviation Administration to provide the type of training offered.

(i) The operator shall have available for call on a part-time basis at least one flight instructor who has been properly certified by the Federal Aviation Administration to provide the type of training offered.

(j) The operator shall make provision for someone to be in attendance at all times during the required operating hours.

(Code 1982, § 21.24)

Sec. 22-46. Aircraft fuels and oil dispensing services.

(1) *Statement of concept.* Aircraft fuels and oil dispensing line services shall include the sale and into-plane delivery of recognized brands of aviation fuels, lubricants, and other related aviation petroleum products. The operator shall provide servicing of aircraft, including ramp assistance and the parking, storage and tie down of aircraft within the leased area.

(2) *Minimum standards.* Minimum standards for the operator of aircraft fuels and oil dispensing services shall be as follows:

(a) The operator shall lease from the city an area of not less than 11,000 square feet of ground space on which shall be erected a building to provide at least 4,000 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge and restrooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall provide auto parking space within the leased area to accommodate at least seven automobiles.

(c) The operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the operator's office.

(d) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.

(e) The operator shall provide an adequate supply of fuel on hand at all times of at least two grades of fuel as closely related as possible to the popular demand of the general aviation users of the airport. The

City of Marshfield shall provide at least two metered filter-equipped dispensers, fixed or mobile, for dispensing the minimum requirement of two grades of fuel. Separate dispensing pumps and meters are required for each grade of fuel.

(f) The operator shall provide such minor repair service that does not require a certified mechanical rating, and cabin services, to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the operator.

(g) The operator shall make provision for the transportation of pilots and passengers of transient general aviation aircraft using the operator's facilities and services from and to the operator's office and the airport terminal area.

(h) The operator shall procure and maintain tools, jacks, towing equipment, tire repairing equipment, energizers and starters, heaters, oxygen supplies, fire extinguishers, and passenger loading steps as appropriate and necessary for the servicing of general aviation aircraft using the airport. All equipment shall be maintained and operated in accordance with local and state industrial codes.

(i) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

1. Comprehensive public liability and comprehensive property damage:

a. Bodily injury (each accident): $100,000.00 each person. $1,000,000.00 each accident.

b. Property damage: $300,000.00 each accident.

2. Hangar keepers' liability: $1,000,000.00 each accident.

3. Products liability: $1,000,000.00 each accident.

4. Motor vehicle liability:

(j) Bodily injury: $1,000,000.00 each accident.

(k) Property damage: $300,000.00 each accident.

(l) The operator shall have his premises open for aircraft fueling and oil dispensing service 8:00 a.m. to sunset seven days a week. The operator shall make provision for such service during other times on a call basis to provide emergency service. The operator shall provide an approved attendant who shall be required to supervise fueling of any aircraft.

(m) The operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner.

(n) The operator shall make provisions for someone to be in attendance at all times during the required operating hours.

(Code 1982, § 21.25)

Sec. 22-47. Radio, instrument or propeller repair station.

(1) *Statement of concept.* A radio, instrument or propeller repair station operator is a person engaged in the business of and providing a shop for the repair of aircraft radios, propellers, instruments and accessories,

but such is not an exclusive right. The operator shall hold the appropriate repair shop certificates issued by the Federal Aviation Administration.

(2) *Minimum standards.* Minimum standards for a radio, instrument or propeller repair station operator shall be as follows:

(a) The operator shall lease from the city an area of not less than 11,000 square feet of ground space on which shall be erected a building to provide at least 4,000 square feet of floor space to hangar at least one aircraft, to house all equipment, and to provide an office, shop, customer lounge and restrooms, all properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall provide auto parking space within the leased area, and shall provide a paved walkway within the leased area to accommodate pedestrian access to the operator's office.

(c) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.

(d) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

1. Comprehensive public liability and comprehensive property damage:

a. Bodily injury: $1,000,000.00 each accident.

b. Property damage: $300,000.00 each accident.

2. Hangar keepers' liability: $1,000,000.00 each accident.

3. Products liability: $1,000,000.00 each accident.

(e) The operator shall have his premises open and services available eight hours daily, five days each week.

(f) The operator shall have in his employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than one person who is a Federal Aviation Administration rated radio, instrument or propeller repairman and one other repairman who need not be rated by the Federal Aviation Administration.

(Code 1982, § 21.26)

Sec. 22-48. Aircraft charter and air taxi.

(1) *Statement of concept.* An aircraft charter and an air taxi operator is a person engaged in the business of providing air transportation (persons or property) to the general public for hire, either on a charter basis (commercial operation) or as an air taxi operator, as defined in the Federal Aviation Act.

(2) *Minimum standards.* Minimum standards for an aircraft charter and an air taxi operator shall be as follows:

(a) The operator shall lease from the city an area of not less than 11,000 square feet of ground space on which shall be erected a building to provide at least 4,000 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge and restrooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) The operator shall provide auto parking space within the leased area to accommodate at least seven automobiles.

(c) The operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the operator's office.

(d) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.

(e) The operator shall provide, either owned or under written lease to the operator, not less than one single-engine four-place aircraft and one multiengine aircraft, both of which must meet the requirements of the air taxi commercial operator certificate held by the operator, including instrument operations.

(f) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

1. Aircraft liability:

a. Bodily injury: $1,000,000.00 each accident.

b. Passenger liability: $100,000.00 each passenger, each accident.

c. Property damage: $300,000.00 each accident.

2. Comprehensive public liability and comprehensive property damage:

a. Bodily injury: $1,000,000.00 each accident.

b. Property damage: $300,000.00 each accident.

(g) The operator shall have his premises open and services available eight hours daily, six days a week. The operator shall provide on-call service during hours other than the aforementioned.

(h) The operator shall have in his employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than at least one Federal Aviation Administration certified commercial pilot and otherwise appropriately rated to permit the flight activity offered by operator.

(i) The operator shall make provision for someone to be in attendance at all times during the required operating hours.

(Code 1982, § 21.27)

Sec. 22-49. Specialized commercial flying services.

(1) *Statement of concept.* A specialized commercial flying services operator is a person engaged in air transportation for hire for the purpose of providing the use of aircraft for the following activities:

(a) Nonstop sightseeing flights that begin and end at the same airport.

(b) Crop dusting, seeding, spraying and bird chasing.

(c) Banner towing and aerial advertising.

(d) Aerial photography or survey.

(e) Firefighting.

(f) Power line or pipeline patrol.

(g) Any other operations specifically excluded from part 135 of the Federal Aviation Regulations.

(2) *Minimum standards.* Minimum standards for a specialized commercial flying services operator shall be as follows:

(a) The operator shall lease from the city an area of not less than 11,000 square feet of ground space on which shall be erected a building to provide at least 4,000 square feet of floor space for aircraft and other storage and at least 1,000 square feet of floor space for office, and restrooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

(b) In the case of crop dusting, aerial application or other commercial use of chemicals, the operator shall provide a centrally drained, paved area of not less than 3,000 square feet for aircraft loading, washing and servicing. The operator shall also provide for the safe storage and containment of noxious chemical materials. Such facilities will be in a location on the airport which will provide the greatest safeguard to the public.

(c) The operator shall provide auto parking space within the leased area to accommodate at least seven automobiles.

(d) The operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the operator's office.

(e) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.

(f) The operator shall provide and have based on his leasehold, either owned or under written lease to the operator, not less than one aircraft which will be airworthy, meeting all the requirements of the Federal Aviation Administration and applicable regulations of the state with respect to the type of operations to be performed.

(g) In the case of crop dusting or aerial application, the operator shall provide tank trucks for the handling of liquid spray and mixing liquids. The operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting materials.

(h) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

1. Aircraft liability:

a. Bodily injury: $1,000,000.00 each accident.

b. Passenger liability: $100,000.00 each passenger, each accident.

c. Property damage: $300,000.00 each accident.

2. Comprehensive public liability and comprehensive property damage:

a. Bodily injury: $1,000,000.00 each accident.

b. Property damage: $300,000.00 each accident.

3. Products liability (when applicable): $300,000.00 each accident.

(i) The operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize the operator's services.

(j) The operator shall have in his employ, and on duty during appropriate business hours, trained personnel in such numbers as may be required to meet the minimum standards set forth in this section in an efficient manner, but never less than one person holding a current Federal Aviation Administration commercial certificate, properly rated for the aircraft to be used and the type of operation to be performed and one other person to assist in the loading and servicing of aircraft.

(Code 1982, § 21.28)

Sec. 22-50. Multiple services.

(1) *Statement of concept.* A multiple services operator shall be one who engages in any two or more of the aeronautical services for which minimum standards have been provided in this article.

(2) *Minimum standards;* combinations not including fuels and oil dispensing service. Minimum standards for a multiple services operator shall be as follows:

(a) The operator shall lease from the city an area not less than 11,000 square feet of ground space (4,000 for repair shop only combinations) for aircraft storage, parking and other use in accordance with the services to be offered, and on which shall be erected a building to provide at least 4,000 square feet (4,000 square feet for repair shop only combinations) for aircraft storage and at least 1,000 square feet (500 square feet for repair shop only combinations) of floor space for office, customer lounge and restrooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.

(b) If flight training is one of the multiple services offered, the operator shall provide classroom and briefing room facilities in the building mentioned in subsection (2)(a) of this section.

(c) If crop dusting, aerial application or other use of chemicals are part of the multiple services offered, the operator shall provide a centrally drained, paved area of not less than 2,500 square feet for aircraft loading, washing and servicing. The operator shall also provide for the safe storage and containment of noxious chemical matters. Such facilities will be in a location on the airport which will provide the greatest safeguard to the public.

(d) The operator shall provide auto parking space within the leased area to accommodate at least seven automobiles.

(e) The operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the operator's office.

(f) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.

(g) The operator shall comply with the aircraft requirements, including the equipment thereon, for each aeronautical service to be performed except as hereinafter provided.

(h) Multiple uses can be made of all aircraft except aircraft used for crop dusting, aerial application or other commercial use of chemicals.

(i) The operator, except if he is performing combinations of multiple services for which aircraft are not required, shall have available and based at the airport, either owned by the operator or under written lease to the operator, not less than two certified and currently airworthy aircraft. These aircraft shall be equipped and capable of flight to meet the minimum standards as herein provided for each aeronautical service to be performed.

(j) The operator shall provide the equipment and services required to meet the minimum standards as hereinbefore provided for each aeronautical service the operator is performing.

(k) The operator shall obtain, as a minimum, that insurance coverage which is equal to the highest individual insurance requirement of all the aeronautical services being performed by the operator.

(l) The operator shall adhere to the hours of operation required for each aeronautical service being performed.

(m) The operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each aeronautical service the operator is performing as herein provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the operator, except such multiple responsibilities may not be assigned to the Federal Aviation Administration certified repair stations.

(Code 1982, § 21.29)

Sec. 22-51. General requirements.

(1) *Hanger Buildings.* General requirements for airport hangar buildings shall be as follows:

a. All hangar buildings shall conform to State & City building code requirements, the Airport Layout Plan (ALP) and additional standards contained in this section, and shall be subject to approval by application to the Marshfield Airport Committee.

(2) Hangar Areas. Two hangar areas are identified in the Airport Layout Plan of Marshfield Municipal Airport for future hangar development. Hangar buildings in hangar areas shall meet the following additional construction and design standards:

a. Hangar Area #1: Corporate/Large Aircraft Hangars

1. Size - Minimum 50' W x 50' L

2. Exterior Construction - Metal side-walls and roof

3. Color - White walls, roof and trim

4. Roof Design - Gable style with a maximum 1:12 pitch

5. Hangar Doors - Not to exceed hangar width

6. Location - Consistent with alignment of existing hangars, minimum zoning setbacks, and minimum separation distance between hangars as indicated in the ALP.

7. Apron - Paved with asphalt or concrete with black sealcoat, lot line to lot line.

b. Hangar Area #2 - Individual Hangars

1. Size - Minimum size of 40' W x 30' L

2. Exterior Construction - Metal side-walls and roof

3. Color - White walls, roof and trim

4. Roof Design - Gable style with a maximum 4:12 pitch

5. Hanger Doors - Not to exceed hangar width

6. Location - Consistent with alignment of existing hangars, minimum zoning setbacks, and minimum separation distance between hangars as indicated in the ALP.

7. Apron - Paved with asphalt or concrete with balck sealcoat, lot line to lot line.

(3) Personnel. In this article, all personnel required to hold Federal Aviation Administration certificates and ratings shall maintain such certificates and ratings.

(Code 1982, § 21.30; Ord. No. 1103, § 1, 6-26-2007)

Sec. 22-52. Mandatory lease clauses for airports receiving federal airport aid.

(1) *Fair and nondiscriminatory services.* The lessee, in the conduct of its authorized aeronautical business activities on the demised premises and on the airport, shall furnish good, prompt and efficient service adequate to meet the demands for its service at the airport, and shall furnish such service on a fair, equal and not unjustly discriminatory basis to all users thereof, and shall charge fair, reasonable and not unjustly discriminatory prices for each unit of sale or service; provided, however, that the lessee shall be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

(2) *Title VI, civil rights assurances.* The lessee, for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that:

(a) No person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of such facilities.

(b) In the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.

(c) The lessee shall use the premises in compliance with all other requirements imposed by or pursuant to title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, nondiscrimination in federally assisted programs of the Department of Transportation, effectuation of title VI of the Civil Rights Act of 1964, and as such regulations may be amended.

(3) *Aircraft service by owner or operator of aircraft.* It is clearly understood by the lessee that no right or privilege has been granted which would operate to prevent any person operating aircraft on the airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance and repair) that it may choose to perform.

(4) *Nonexclusive rights clause.* The lessee shall have the right and privilege of engaging in and conducting a business on the premises of the airport under the terms and conditions as set forth hereinafter, provided, however, that this agreement shall not be construed in any manner to grant the lessee or those claiming under it the exclusive right to the use of the premises and facilities of such airport other than those premises leased exclusively to the lessee hereunder.

(Code 1982, § 21.31)

Sec. 22-53. Recommended lease clauses.

(1) *Development of Marshfield Municipal Airport clause.* The lessor reserves the right to further develop or improve the landing area of the airport as it sees fit, regardless of the desires or view of the lessee, and without interference or hindrance. If the physical development of the airport requires the relocation of the lessee, the lessor agrees to provide a comparable location and agrees to relocate all buildings or provide similar facilities for the lessee at no cost to the lessee.

(2) *Lessor's rights clause.* The lessor reserves the right, but shall not be obligated to lessee, to maintain and keep in repair the landing area of the airport and all publicly owned facilities of the airport, together with the right to direct and control all activities of the lessee in this regard.

(3) *War or national emergency.* During the time of war or national emergency the lessor shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and, if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government, shall be suspended.

(4) *Obstruction at airport.* The lessor reserves the right to take any action it considers necessary to protect the aerial approaches of the airport against obstruction, together with the right to prevent the lessee from erecting, or permitting to be erected, any building or other structure on the airport which, in the opinion of the lessor, would limit the usefulness of the airport or constitute a hazard to aircraft.

(5) *Subordination clause.* This lease shall be subordinate to the provisions of any existing or future agreement between lessor and the United States, or between lessor and the state, relative to the operation or maintenance of the airport, or related facilities, the execution of which has been or may be required as a condition precedent to the expenditure of federal or state funds for the development of the airport.

(6) *General lease provisions.* General lease provisions shall be as follows:

(a) All agreements between the city and an operator covering the performance by an operator of any aeronautical service as hereinbefore provided shall be in writing.

(b) The lessee shall provide a performance bond ensuring the completion of the building to be erected on the leasehold.

(c) The lessee shall furnish such evidence as may be reasonably requested by the city to show the lessee is financially capable of providing the services and facilities set forth in the lease.

(Code 1982, § 21.32)

Sec. 22-54. Flying clubs.

The following requirements pertain to all flying clubs desiring to base their aircraft on the airport and be exempt from the minimum standards:

(1) *Flying club organization.* Each club must be a nonprofit Wisconsin corporation or partnership. Each member must be a bona fide owner of the aircraft or a stockholder in the corporation. The club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual use of operation, maintenance, and replacement of its aircraft. The club will file and keep current with the airport owner a complete list of the club's membership and investment share held by each member.

(2) *Aircraft.* The club's aircraft will not be used by other than bona fide members for rental and by no one for hire, charter or air taxi. Student instruction can be given by a lessee based on the airport who provides flight training.

(3) *Violations.* If the club fails to comply with these conditions, the airport owner will notify the club in writing of such violations. If the club fails to correct the violations in 15 days, the airport owner may take any action deemed advisable by the owner.

(4) *Aircraft liability insurance.* Each aircraft owned by the flying club must have aircraft liability insurance coverage for the following amounts:

(a) Bodily injury: $1,000,000.00 each accident.

(b) Property damage: $300,000.00 each accident.

(Code 1982, § 21.33)

Sec. 22-55. Ultralight aircraft.

The following requirements pertain to all ultralight aircraft using the Marshfield Municipal Airport:

(1) *Federal Aviation Regulations adopted.* Part 103 of the Federal Aviation Regulations, as now effective and as the same may hereafter be amended, insofar as part 103 is applicable, is hereby adopted by reference and made a part of this Code with the same force and effect as if such regulations were set forth in this section in total. A copy of such regulations shall be kept on file in the office of the city clerk and of the airport manager.

(2) *Use of airport defined.* The use of the airport by ultralight aircraft is defined as follows:

(a) *Runways.* Operators of ultralight aircraft as defined in subsection (1) of this section shall use the outside grass portion of runway 16/34 (on the west side of the runway) and runway 22/04 (on the south side of the runway) for primary takeoffs and landings.

(b) *Patterns.* Operators of ultralight aircraft shall use 500-foot pattern one-fourth mile downwind legs, except for takeoffs and landings, inside all aircraft traffic, and shall make all reasonable efforts to avoid crossing runways in accordance with subsection (1) of this section.

(c) *Treatment as other aircraft.* Except as provided in this section, all ultralight aircraft shall be treated the same as any other aircraft.

(Code 1982, § 21.34)

Chapter 23

MARSHFIELD CABLE TELEVISION FRANCHISE ORDINANCE

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Sec. 23-01. General Provisions

GENERAL PROVISIONS. The provisions of Sec. 66.0420 Wis. Stats. are hereby incorporated as though fully set forth herein. The additional provisions of this Chapter are intended to supplement those provisions of the state statutes as allowed therein. Any person, partnership, or entity who owns, leases, operates, controls, constructs, or maintains a video service or cable television service shall comply at all times with the provisions herein when constructing, operating, or maintaining a video service or cable television service in the City of Marshfield.

(Ord. No. 928, § 1(23.01)—1(23.47), 6-12-2001)

Sec. 23-02. Definitions.

DEFINITIONS. The terms used in this Chapter shall have the same meaning as those terms are defined in Sec. 66.0420(2) Wis. Stats. which is incorporated by reference as though fully set forth herein.

(Ord. No. 928, § 1(23.01)—1(23.47), 6-12-2001)

Sec. 23-03. Video Service Provider Fee and PEG Channel Monetary Support

(1) Video Service Provider Fee. Video Service Providers and Cable Operators shall pay a Video Service Provider Fee to the City of Marshfield in an amount equal to five percent (5%) of the providers gross receipts.

(2) Supporting Documentation. Payment of the fee set forth in Sub. (1), above, shall be accompanied by documentation verified by an agent or officer with the authority to legally bind the provider that is sufficient for the City to verify the accuracy of the fees being paid by the provider. The failure to provide such documentation shall subject the provider to a forfeiture of not less than $100.00 nor more than $1,000.00 per day until such time as the documentation is provided to the City.

(Ord. No. 928, § 1(23.01)—1(23.47), 6-12-2001)

Sec. 23-04. PEG Channel Requirements

(1) Number of PEG Channels. Video Service Providers and Cable Operators shall provide capacity for three PEG channels. These channels shall be allocated as follows; one channel dedicated for use by local educational authorities; and two channels designated for local public access programming and local governmental uses.

(2) Location of PEG Channels. PEG channels must be carried on any service tier that is viewed by more than fifty percent (50%) of the Video Service Provider's or Cable Operator's customers. Video Service Providers or Cable Operators may not charge an extra fee nor require the rental of special equipment in order for their customers to view such PEG Channels if such fees or equipment are not required to view any of the non-PEG channels on such service tiers.

(3) Quality of PEG Channels. Video Service Providers and Cable Operators shall not carry a PEG television signal in a lesser format or lower resolution than that afforded to a non-broadcast digital programmer carried on the video or cable system. The signal quality of PEG channels shall be indistinguishable or better than the signal of other non-PEG channels carried by the Video Service Provider or Cable Operator.

(4) Drops/Origination Points. Video Service Providers and Cable Operators shall supply and maintain upstream capacity from all current origination points, (a/k/a "live drops") and shall provide sufficient

capacity for carriage of a television signal from each of these origination points at all times. These origination points are all located in the City of Marshfield, as follows:

(a) Marshfield Community Television, 101 W. McMillan, Suite A;

(b) City Hall Plaza, 630 S. Central Avenue; and

(c) Marshfield High School, 1401 Becker Road.

(5) Substantial Utilization of PEG Channels and PEG Programming.

(a) Procedures for Disconnection Due to Failure to Substantially Utilize PEG Channel.

1. Written Notice of Objection to Program as Not Locally Produced. A Video Service Provider or Cable Operator must provide written notice to the PEG Public Access Coordinator within ten days of the first original airing of any program that the Video Service Provider or Cable Operator is objecting to the program as having not been locally produced. Such notice shall describe with particularity the program being objected to, the date and time the program was first aired and the factual basis supporting the objection. Failure to timely provide this notice waives the objection, in which case such program will be counted towards the determination of whether said PEG channel is being substantially utilized.

2. Written Notification of Failure to Substantially Utilize Channel. A Video Service Provider or Cable Operator must provide written notification to the PEG Public Access Coordinator within ten days following any week in which the Video Service Provider or Cable Operator objects that the PEG Channel has not been substantially utilized. Such notice shall describe with particularity the time period being objected to, the dates and times during the week in which qualifying programming was not aired and the factual basis supporting the objection. Failure to timely provide this notice waives this objection, in which case such programming period will be counted towards the determination of whether said PEG channel is being substantially utilized.

3. Written Notification of Intention to Disconnect, Reprogram or Drop PEG Channel. A Video Service Provider or Cable Operator must provide 120 days advance written notification to the PEG Public Access Coordinator that the Video Service Provider or Cable Operator intends to disconnect, reprogram or drop a PEG channel. A Video Service Provider or Cable Operator may not disconnect, reprogram or drop any PEG channel that it has not timely provided such written notice to. Furthermore, should the PEG Public Access Coordinator provide the Video Service Provider or Cable Operator with a written response that the PEG channel was substantially utilized during the time period in question or will be substantially utilized by the municipality, the Video Service Provider or Cable Operator shall not disconnect, reprogram or drop the PEG channel or channels.

4. Penalty for Failing to Provide Notice(s). If any Video Service Provider or Cable Operator disconnects, reprograms or drops any PEG channels without providing the notice(s) as required in subs.1. through 3., above, the Video Service Provider or Cable Operator shall be subject to the following:

a. Immediate reinstatement of the PEG channel to its location in the channel line-up prior to the disconnection, reprogramming or dropping of the channel;

b. A forfeiture of not less than $1,000.00 nor more than $10,000.00 for each day that the PEG channel is disconnected, reprogrammed or dropped.

(6) Locally Produced Programming. Locally produced programming shall include all programming produced by any PEG channel and shall include all programming that has not been commercially aired. "Locally produced programming" includes any program that was in part produced for original airing in the broadcast

market in which it was produced either in part or in whole. The term "locally produced" shall not require that the programming was created, filmed or produced in the Marshfield area. PEG stations may share and exchange programming content in order to meet the substantial utilization requirements of Sec. 66.0420(5)(b), Wis. Stats.

(7) Underwriting of Programming. PEG channels may transmit non-commercial programming to subscribers generally or to specific recipients of Video Service Providers or Cable Operators. Nothing herein shall in any way prohibit or prevent PEG channels from accepting grants or sponsorships in support of such programming nor shall PEG channels be prohibited from acknowledging such grants or sponsorships before, during or immediately after such PEG programming has been broadcast in such a manner that is similar to the manner in which the Public Broadcasting System (PBS) acknowledges the substantially similar support of its programming content. Such acknowledgments shall comply with the requirements of 47 USC §399b as though the PEG channel were a public broadcast station. (8) Notice of Intention to Move PEG Channel Locations/Designations. Any Video Service Provider or Cable Operator, who intends to move any PEG channel from the channel designations in effect at the time that this ordinance is enacted, may only make such a change after providing 60 days advance written notice to the affected PEG channel(s). Additionally, such Video Service Provider or Cable Operator shall engage in a public education program of such intensity and duration as to reasonably inform the general public of the proposed PEG channel designations.

(Ord. No. 928, § 1(23.01)—1(23.47), 6-12-2001)

Sec. 23-05. Police Powers, Design/Construction Standards & Rights of Ways

(1) Subject to Police Powers. Video Service Providers and Cable Operators are subject to the police power of the City to adopt and enforce general ordinances necessary to the safety, health and welfare of the public. The grant of a statewide video or cable franchise does not render or to any extent lose, waive, impair or lessen the lawful powers and rights, now or hereafter vested in the City under the Constitution and statutes of the State of Wisconsin to regulate the use of streets and public ways or to regulate any matter affecting the safety, health, and welfare of the public. The City shall make the Video Service Provider's and Cable Operator's history of compliance with such codes and ordinances available to the Department of Financial Institutions so that the Department may determine the provider's or operator's legal, financial, and technical qualifications to provide video services.

(2) Design, Permits, Construction, and Excavation. Video Service Providers and Cable Operators shall comply with all applicable City codes and ordinances including any zoning ordinance regarding height and use restrictions and shall pay such permit fees, encroachment fees and/or degradation fees for the use of any municipal right of way in the future by the City, and shall be subject to any forfeitures so specified for any violations thereof. The City shall make the history of compliance with such codes and ordinances available to the Department of Financial Institutions so that the Department may determine the Video Service Provider's or Cable Operator's legal, financial, and technical qualifications to provide video services.

(3) Use of Cable Facilities. The City shall have the right to install and maintain upon the poles of the Video Service Provider or the Cable Operator at a charge equal to the Video Service Provider's or Cable Operator's costs any wire or pole fixtures that do not unreasonably interfere with the cable television system operations, including future plans, of the Video Service Provider or the Cable Operator. The City shall indemnify and hold harmless the Video Service Provider or Cable Operator from any claim that might arise due to or as a result of the City's use.

(4) Construction and Technical Standards.

(a) Compliance with Construction and Technical Standards. The Video Service Provider or Cable Operator shall construct, install, operate, and maintain its system in a manner consistent with all laws, ordinances, construction standards, governmental requirements, and FCC technical standards.

(b) Additional Specifications. Additional specifications shall be as follows:

1. Construction, installation, and maintenance of the cable television system shall be performed in an orderly and workmanlike manner. All construction must also conform to all City of Marshfield policies and permit requirements. The Video Service Provider or Cable Operator must provide erosion control, backfilling and compaction, and restoration to meet City of Marshfield specifications. All cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple cable configurations shall be arranged in parallel, and bundled with due respect for engineering considerations.

2. The Video Service Provider or Cable Operator shall at all times comply with the applicable:

   a. National Electrical Safety Code (National Bureau of Standards);

   b. National Electrical Code (National Bureau of Underwriters);

   c. Applicable FCC or other federal, state, and local regulations.

3. The cable television system shall not endanger or interfere with the safety of persons or property in the franchise area or other areas where the Video Service Provider or Cable Operator may have equipment located.

4. Any antenna structure used in the cable television system shall comply with construction, marking, and lighting of antenna structures, required by the United States Department of Transportation.

5. All working facilities and conditions used during construction, installation and maintenance of the cable television system shall comply with the standards of the Occupational Safety and Health Administration.

6. In all areas of the City where all cables, wires, and other like facilities of public utilities are placed underground, the Video Service Provider or Cable Operator shall place its cables, wires, and other like facilities underground. When all public utilities relocate their facilities from pole to underground, the Video Service Provider or Cable Operator must concurrently do so.

(5) Use of Streets.

1. Interference with Persons and Improvements. The Video Service Provider's or Cable Operator's system, poles, wires, and appurtenances shall be located, erected, and maintained so that none of its facilities shall endanger or interfere with the lives of persons or interfere with the rights or reasonable health, safety, or welfare of property owners who adjoin any of the streets and public ways, or interfere with any improvements the City may make, or hinder or obstruct the free use of the streets, alleys, bridges, easements, or public property. The Video Service Provider or Cable Operator shall secure a permit from the City Engineer for any improvements constructed in the public right-of-way in accordance with ss. 13-33 and 14-03 of this Code.

2. Restoration to Prior Condition. In case of any disturbance of pavement, sidewalk, landscaping, driveway or other surfacing, the Video Service Provider or Cable Operator shall, at its own cost and expense and in a manner approved by the City Engineer, replace and restore all paving, sidewalk, driveway, landscaping, and streets or alleys, including any subbase which was disturbed, in as good condition as before the work was commenced and in accordance with standards for such work set by the City Engineer. After 30 days, if restoration measures are not performed to the reasonable satisfaction of the City Engineer, the City may undertake remedial restoration activities, such activities to be performed at the Video Service Provider's or Cable Operator's cost.

3. Erection, Removal and Common Uses of Poles. Erection, removal and common uses of poles shall be in accordance with the following:

    a. No poles or other wire-holding structures shall be erected by the Video Service Provider or Cable Operator without prior written approval of the City with regard to location, height, types, and any other pertinent aspect. However, no location of any pole or wire-holding structure of the Video Service Provider or Cable Operator shall be a vested interest and such poles or structures shall be removed or modified by the Video Service Provider or Cable Operator at its own expense whenever the City determines that the public health, safety, or welfare would be enhanced thereby.

    b. Each Video Service Provider or Cable Operator shall use existing poles whenever possible and shall not construct or install any new, different or additional poles in the streets until the Video Service Provider or Cable Operator obtains the City's written approval.

    c. Where the City desires to make use of the poles or other wire-holding structures of the Video Service Provider or Cable Operator and the use will not unduly interfere with the Video Service Provider's or Cable Operator's operations, the City may require the Video Service Provider or Cable Operator to permit such use for reasonable consideration and terms.

4. Relocation of Facilities. If at anytime during the period of the franchise the City shall lawfully elect to alter, or change the grade of any street, alley or other public ways or alter or change the location or width of any street and/or any municipal underground facilities, the Video Service Provider or Cable Operator, upon reasonable notice by the City, shall remove or relocate as necessary its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

5. Cooperation with Building Movers. The Video Service Provider or Cable Operator shall, at the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. Expenses of such temporary removal, raising or lowering of wires shall be paid by the person making the request, and the Video Service Provider or Cable Operator shall have the authority to require such payment in advance. The Video Service Provider or Cable Operator shall be given at least ten days advance notice to arrange for such temporary wire changes.

6. Tree Trimming. The Video Service Provider or Cable Operator shall not remove any tree or trim any portion of any tree within any public street, as defined below, without the prior consent of the City, except in an emergency situation. The Video Service Provider or Cable Operator shall provide notice to any affected residents at the same time that the Video Service Provider or Cable Operator applies to the City for consent to perform tree trimming. The City shall have the right to do the trimming requested by the Video Service Provider or Cable Operator at the cost of the Video Service Provider or Cable Operator. Regardless of who performs the work requested by the Video Service Provider or Cable Operator, the Video Service Provider or Cable Operator shall be responsible, shall defend and hold the City harmless from any and all damages to any tree as a result of the Video Service Provider's or Cable Operator's trimming, or to the property surrounding any tree, whether such tree is trimmed or removed.

    a. Definition of "Street" for Purposes of Section 23-05: Street means the surface of and all rights-of-way and the space above and below any public street, road, highway, freeway, lane, path, public way or place, sidewalk, alley, court, boulevard, parkway, drive or easement now or hereafter held by the City for the purpose of public travel and shall include other easements or rights-of-way as shall be now held or hereafter held by the City which shall, within their proper use and meaning entitle the Video Service Provider or Cable Operator to the use thereof for the purposes of installing, repairing, or maintaining poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a cable television system.

7. Road Cuts. The Video Service Provider or Cable Operator shall not use road cuts, trenchless or subsurface methods for laying of cables or wires without the prior written approval of the City. Said

written approval shall be in the form of a permit issued by the City Engineer as referenced in Subsection 23.05(5)1.

8. One-Call System. The Video Service Provider or Cable Operator or its designee shall contact the one-call system, in accordance with §182.0175 Wis. Stats. before commencing any construction. The Video Service Provider or Cable Operator acknowledges that private sanitary sewer, water and stormwater laterals are not part of the one-call system and will take necessary measures to have these located by the owner. The Video Service Provider or Cable Operator shall be responsible for all damaged laterals and shall repair the laterals at its own expense.

(Ord. No. 928, § 1(23.01)—1(23.47), 6-12-2001)

Sec. 23-06. Comsumer Protection Regulations

(1) Pursuant to the authority granted to the City under §66.0420(9)(b) Wis. Stats. and in addition to those rights provided in §100.209 Wis. Stats., and until such time as there is more than one Video Service Provider or Cable Operator, the City shall require the Video Service Provider or Cable Operator to comply with all customer service standards specified in 47 CFR 76.309(c).

(2) The Marshfield Cable T.V. Committee shall serve as the advocate for consumers of video broadcast services. Consumers may submit complaints or other concerns to that Committee. The Committee shall keep a file of all complaints and other correspondence and submit the file or a summary thereof to the Wisconsin Department of Trade and Consumer Protection for enforcement purposes under §100.209 Wis. Stats. and to the Department of Financial Institutions for its consideration for franchise revocation hearings or other considerations.

(Ord. No. 928, § 1(23.01)—1(23.47), 6-12-2001)

Sec. 23-07. Enforcement and Penalties

(1) Except where otherwise provided, violation of any provisions of this Chapter shall result in a forfeiture of $250.00 per day per violation for each day that such violation occurs or continues to occur.

(2) The imposition of a penalty in this Chapter shall not be deemed, nor shall it constitute any waiver on the part of the City, of its right to prosecute any claim for damage which might be or might have been caused to any public property by a violator.

(Ord. No. 928, § 1(23.01)—1(23.47), 6-12-2001)

Sec. 23-08. Procedures

(1) Whenever the City has cause to believe that the Video Service Provider or Cable Operator has violated one or more provisions of this Chapter, a written notice shall be given to said Video Service Provider or Cable Operator informing it of such alleged violation or liability. The written notice shall describe in reasonable detail the specific violation so as to afford the Video Service Provider or Cable Operator an opportunity to remedy the violation. The Video Service Provider or Cable Operator shall have ten days subsequent to the receipt of the notice in which to correct the violation before the City may impose penalties unless the violation is of such a nature so as to require more than ten days and the Video Service Provider or Cable Operator proceeds diligently within the ten days to correct the violation. In any case where the violation is not cured within ten days of notice from the City, or such other time limit as the Video Service Provider or Cable Operator and the City may mutually agree to, the City may then proceed with a forfeiture action for the uncured violation or violations.

(2) The rights reserved to the City under this section are in addition to all other rights of the City whether reserved by this Chapter or authorized by law or equity, and no action, proceeding or exercise of a right with respect to penalties shall affect any other right the City may have.

(Ord. No. 928, § 1(23.01)—1(23.47), 6-12-2001)

Sec. 23-09. Force Majeure

The Video Service Provider or Cable Operator shall not be held in violation under, or in noncompliance with, the provisions of the Chapter, nor suffer any enforcement or penalty where such violation or noncompliance or alleged defaults occurred or were caused by strike, riot, war, earthquake, flood, severe weather conditions or other catastrophic act of nature, labor disputes, inability to obtain necessary contract labor or materials, governmental, administrative or judicial order or regulation, or any other event that is reasonably beyond the Video Service Provider's or Cable Operator's ability to anticipate and control and that makes performance impossible.

(Ord. No. 928, § 1(23.01)—1(23.47), 6-12-2001)

Chapter 24
Sign Code

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Section 24-01: Purpose

(1.) The purpose of this Chapter is to establish standards for the fabrication, erection, and use of signs, and to regulate the location, type, size, and height of signage for all properties within the City of Marshfield. The adoption of this Chapter reflects the formal finding of fact by the City of Marshfield Plan Commission and Common Council that regulation of signage advances the following compelling governmental interests:

(a) Promote the public welfare, health, and safety of all persons using public thoroughfares and right-of-ways within the City of Marshfield in relation to the signage displayed thereon, or overhanging, or projecting into such public spaces.

(b) Advance the aesthetic goals of the City throughout the community, and to ensure the effectiveness and flexibility in the design, creativity, or use of signage without creating a detriment to the general public.

(c) Reduce signage which the City has determined is a cause of unsafe traffic and visibility conditions.

(2.) Furthermore, this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signs – namely, distributed print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit said prohibition to commercial speech on exterior signage.

(3.) The penalties of the City of Marshfield Municipal Code in Chapter 1 Section 1-05 may be applicable to violations of the provisions of this Chapter.

(ORD 1264, 11/12/13)

Section 24-02: Definitions

(1.) Advertising. Any writing, painting, display, emblem, drawing, sign or other device designed, used or intended for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, goods, services, or statement.

(2.) Animated. The display of a sequence of images, text, lights, objects, or frames to create an illusion of movement and/or flashing (excludes scrolling and sliding during transitions).

(3.) Back Lit Sign. A sign that is illuminated from behind. Includes halo lighting but does not include internal illumination.

(4.) Beacon/Search Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

(5.) Building. Any structure used or intended for supporting or sheltering any use or occupancy.

(6.) Building Frontage. That building elevation that fronts on a public street.

(7.) Business/Tenant Frontage. That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without building frontage, the building elevation providing customer access shall be considered the business frontage.

(8.) Cabinet Sign. A permanent on-building sign that is mounted on the face of a building that is roughly rectangular in shape and provides for internal illumination and changing the message of the sign by replacing a single transparent or translucent material such as a Plexiglas or similar type face. May be a projecting or wall sign. Does not include individual channel letter signs or freestanding signs that have internal illumination.

(9.) Channel Letters. Signs consist of illuminated storefront signs and lighted letters. Channel letters are individually illuminated letters and graphics and are permitted where back-lit illumination is permitted.

(10.) Commercial Message. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business product, service, or commercial activity.

(11.) Commercial Sign, On-Premises. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. The premises shall include all lots that are contiguous, under unified single ownership and intended to remain under unified single ownership under the jurisdiction of this Chapter.

(12.) Copy. Words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

(13.) Development. Any subdivision of land; any consolidation or accumulation of tracts of land; any material change in the use or appearance of any lot of land; any activity that affects lot lines, easement locations, number if lots, setback, locations of structures, dedications of streets or utilities; or the act of constructing buildings, structures or improvements in, in or over land.

(14.) Double-faced Sign. A sign constructed to display its message on the outer surfaces of two identical and opposite planes at an angle of 60 degrees or less.

(15.) Elevation (building). The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. No building shall be treated as having more than four building elevations. Each elevation will generally be identified as a north, south, east or west building elevation.

(16.) Encroachment Agreement. An agreement approved by the Board of Public Works that allows existing signs within the right-of-way to be replaced.

(17.) External illumination. The lighting of an object from a light source located a distance from the object.

(18.) Facade. See "Elevation."

(19.) Flag. Any fabric containing distinctive colors, patterns or symbols used as a symbol of a business, corporation or other private entity.

(20.) Freestanding Sign. A permanent sign not affixed to a building. A sign resting on or supported by means of post, pylons, or any other type of base on the ground and includes highway, monument, post and panel, and pylon signs. Freestanding signs shall not be erected so as to impede visibility for safe pedestrian and/or vehicular circulation. Freestanding signs may not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(21.) Future Tenant Sign / Construction. A temporary sign that identifies the names of future businesses that will occupy a site and advises the public of information regarding the construction, management, leasing, financing, and future tenant of the building.

(22.) Inflatable Device. An object that is inflated with air or gas.

(23.) Internal Illumination. A source of illumination entirely within the sign which makes the sign content visible at night by means of the light being transmitted through a translucent material, but wherein the source of the illumination is not visible. An internally illuminated cabinet sign is a type of internal illumination sign. Channel letters, neon, and back-lit illumination signs are permitted wherever internal illumination is permitted.

(24.) Lot. Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

(25.) Maintenance. The repair or replacement in kind of individual sign components including, fabric or plastic copy panels, electrical wiring and bulbs, or paint, stucco or other exterior finishes. Refer to Section 24-12 of this Chapter.

(26.) Multitenant. A development consisting of two or more separate uses or tenancies that share either the same lot or structure and use common access and/or parking facilities.

(27.) Neon Sign. Neon signs are made using electrified, luminous tube lights that contain rarefied neon or other gases.

(28.) Off-Premises Sign. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. The premises shall include all lots that are contiguous, under unified single ownership and intended to remain under unified single ownership, and under the jurisdiction of this Chapter. Off-premises signs include billboards but do not include community information signs.

(29.) On-Building Sign. A type of sign permanently affixed to an outside wall of a building including projecting, marquee, suspended, wall, and canopy/awning sign. Setbacks are not applicable to on-buildings signs.

(30.) Opaque. An object or material that is not able to be seen through.

(31.) Pennant. A decorative banner or sign placed on or perpendicular to a building primarily used for decoration.

(32.) Push-through Sign. A sign where the background is opaque and only the message is capable of internal illumination.

(33.) Scrolling. A display of text that appears on screen and rolls by in a constant direction.

(34.) Setbacks. All freestanding signs shall meet the required setback for the type of sign. A setback for a freestanding sign is measured from a property line to the leading edge of the sign. Refer to Section 24-04(2)(a).

(35.) Sign. The word "sign" means any object, device, display, structure, or part thereof, situated or visible from the public right-of-way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images.

(a) Signs do not include:

1. Any flag or emblem of any nation, organization of nations, state, or city, or any religious, fraternal, or civic organization.
2. Temporary signs, including Christmas lights, containing only holiday messages and no commercial message.
3. Merchandise, pictures, or models of products or services incorporated in a window display.
4. Works of art, (excluding murals) including memorials and statutes, which in no way identify a commercial message. Review and approval of murals are regulated by this Chapter.
5. Scoreboards located on athletic fields including advertising intended solely for spectators.
6. Building colors and outline lighting which do not convey a logo or message specific to the use therein (as determined by the Zoning Administrator).
7. Traffic control and other public agency messages located within a right-of-way.
8. Messages that are directed towards visitors on-site and not legible to those off-premises.

9. Public Right-of-Way Signs (PROW) regulated by City Policy 5.080 are not regulated by this Chapter.
10. Banners regulated by City Policy 5.051 are not regulated by this Chapter.

(36.) Sign Area. The entire face of a sign, including the extreme limits of writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display but not including any supporting framework. Refer to Section 24-04(2)(b).

(37.) Sign Face. The area or display surface used for the message.

(38.) Sign Height. The vertical distance from the base of the sign at average grade to the top of the highest attached component of the sign.

(39.) Sign Structure. Structure which is designed specifically for the purpose of supporting a sign, has supported, or is capable of supporting a sign

(40.) Temporary Sign. Signs that are placed on a premises for a limited period of time. Refer to Section 24-05 & 06.

(41.) Three Dimensional Signs. Signs that have a depth or relief on their surface. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.

(42.) Transom Sign. A sign placed in the window or part of the window of a horizontal crosspiece above a door or window.

(43.) Use. Includes all purposes or activities for which the land or buildings are arranged, designed or intended, or for which land or buildings are occupied or maintained. A use may include multiple ownership, tenancy or affiliations and may include accessory, conditional and temporary uses.

(44.) Vacant or Abandoned Sign. Any sign that has been abandoned or a sign, for a business that has vacated the premises for a period of ninety (90) days or more, and has not been blanked out, and advertises or identifies an ongoing business, product, service, idea or commercial activity no longer located on the site.

(45.) Variable Message Sign. A sign which displays words, lines, logos, graphic images, or symbols, which may be changed manually or electronically to provide different information, and which includes changeable copy signs, computer signs, electronic reader boards with changeable letters, LCD signs and other video display signs, and electronic time and temperature signs.

(46.) Wayfinding Sign. Signs that display a message intended to direct traffic or pedestrians towards a point of interest (listed under Community Information Sign).

(ORD 1264, 11/12/2013)

Section 24-03: Permitted Sign Regulations and Allowable Districts

Zoning Districts and Uses. The following table will be used to describe and group certain zoning districts and uses for permitted permanent signs in this chapter. Some districts and uses have size limitations. When individual districts/uses are called out specifically in the regulations, the regulations for the broader category for that group do not apply for that particular sign. Example: Post and panel signs in Residential Districts are limited to 10 square feet in area, but Multifamily Residential Uses allows 24 square feet in area, the Multifamily Residential Uses are still permitted to have 24 square feet of sign area for post and panel signs. Where specific regulations such as setback, area, and height do not list districts or uses individually, said regulations apply to all districts and uses where the sign is permitted. A sign or provision of a sign (such as illumination) is prohibited in a district or use unless specifically permitted in the regulations listed in this section. All illuminated signs must adhere to Section 24-12(11).

Table 1: Groups, Uses, and Districts

Group	Uses and Districts
Mixed Use Districts	Community, Urban, Neighborhood, and Downtown Mixed Use Districts, including CMU, UMU, NMU, and DMU. Signage for Residential Uses in the Mixed Use Districts is limited to the same regulations as the Residential Districts. Properties within the Downtown Design Corridor are not included in this group.
Institutional Uses	All Institutional Uses in all districts as described in Chapter 18, Section 18-57 regardless of the underlying zoning district.
Industrial Districts	Industrial and business districts, including IP, LI, GI, and RD.
Residential Districts	Residential, single-family detached districts, including SR-2, SR-3, SR-4, and SR-6; and duplex and multifamily districts, including TR-6, MR-12, MR-24, and MH-8.
Multifamily Residential Uses	Multifamily Residential Districts, including MR-12, MR-24, and mobile home parks in the MH-8 districts.
Downtown Design Corridor	Commercial properties zoned DMU between Chestnut Avenue and Maple Avenue and Veterans Parkway and 6th Street. Regulations apply only to properties where the front building façade of the principal building is within 20 feet of the right-of-way. Existing signs not meeting the requirements for this group may be replaced and maintained at their current size, location, and sign type.
Rural Holding Districts	Rural and neighborhood districts, including RH-35. Freestanding signs permitted in the Rural Holding District may not exceed 50 square feet in area or 12 feet in height. Properties in the district are limited to one freestanding sign and up to 10% of the structure's façade for on-building signs. Setbacks for all freestanding signs are 5 feet.
Campus District & Planned Development	Campus District and Planned Development including CD and PD. Regulations are defined by each individual master sign plan. Individual signs under 50 square feet for Nonresidential Uses may be approved administratively. All other signs must be approved through the master sign plan process.

(1.) Awning/Canopy Sign. An awning is defined as a permanent roof-like structure that projects out from the exterior wall of a structure made of canvas or other materials with the purpose to shelter the entrances/exits from the natural elements. Canopy is defined as a permanent flat roof-like structure that projects out from the exterior wall or structure or is freestanding (such as a canopy over gas station pumps), that shield customers from natural elements. Canopy does not include marquee signs.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.
2. Text and/or logos shall not project below or above the vertical awning/canopy surface.
3. An awning sign or canopy sign must be an integral part of the awning or canopy to which it is attached.
4. Awning signs or canopy signs may be placed only on first and second story building elevations, including those facing a parking lot or pedestrian way.
5. Awnings and canopies shall be constructed of durable material(s) and maintained in such a manner as to continue the original appearance.

6. Awnings and canopies shall, wherever practicable, match the established under clearance, height and projection of awnings and canopies that exist on abutting lots.
7. Awnings and canopies shall be compatible with the architectural integrity of the building(s) to which they are attached.

(b) Sign Height.

1. Awning and canopy structural element clearance must be a minimum of 8 feet above finished grade immediately below the sign.

(c) Sign Area.

1. 50 percent maximum of the awning or canopy area.

(d) Sign Setback.

1. 2 feet minimum from the edge of a curbed street.

(e) Illumination.

1. Back-lit and external illumination is permitted in Downtown Design Corridor.
2. Internal and external illumination is permitted in Mixed Use Districts, Institutional Uses, Industrial Districts, and Multifamily Residential Uses when signs are visible from the right-of-way or parking area.

(2.) Billboard Sign. A large scale, off-premise sign that displays advertisements and identifies or communicates a commercial or non-commercial message directed toward the public right-of-way.

(a) Sign Allowance.

1. Permitted in Community Mixed Use District and General Industrial District.
2. Billboards are only allowed on streets or highways designated as part of the state trunk highway system.
3. May not be placed on buildings and must be freestanding.
4. Prohibited along Veterans Parkway between West McMillan Street and South Hume Avenue.
5. All billboard sign structures must be approved through an alternative sign permit.
6. Sign permits are not required to change the advertising or displayed message.
7. A billboard sign structure may have up to two billboard faces per structure either side by side, or back to back at an angle of 60 degrees or less. Billboard signs meeting this requirement are considered one structure for the purposes of the separation requirement between billboard structures.

(b) Sign Height.

1. 25 feet maximum for freestanding signs.

(c) Sign Area.

1. 300 square feet maximum with no more than two signs per structure, with a maximum of 600 square feet per structure in cases of back to back or side by side signs.

(d) Sign Setback.

1. Billboards shall not be located within 500 feet of a residential dwelling that is properly zoned residential, nor within 300 feet of another off-premises billboard structure.

2. Billboards must also be located within 660 feet, as measured along the center line of the street from a State Highway.

3. All billboards and other types of off-premises advertising structures must be setback a minimum of 15 feet from any public right-of-way.

(e) Illumination.

1. External illumination is permitted in the Community Mixed Use District and Industrial Districts.

2. Illumination Standards. Refer to Section 24-12(11).

(3.) Changeable Copy Sign. A type of freestanding or on-building sign that displays a message that has to be manually changed and is classified as a variable message sign and does not include a marquee.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, and Industrial Districts.

2. One changeable copy sign is allowed per lot.

3. Changeable copy signs are counted towards the total allowable on-building or freestanding sign area to which they are attached.

4. Freestanding changeable copy signs may not be standalone and must be part of a monument, post and panel, pylon, or highway sign.

(b) Sign Height.

1. Limited to the height requirements of the sign to which it is attached.

(c) Sign Area.

1. Freestanding changeable copy signs are limited to fifty percent (50%) of the overall sign area for the sign to which it is attached, not to exceed a maximum area of 40 square feet in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, and Industrial Districts.

2. On-building signs are limited to 10% of the façade for all signs and are limited to fifty percent (50%) of the overall sign area utilized, with a maximum area of 40 square feet in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, and Industrial Districts.

(d) Sign Setback.

1. Limited to the setback requirements of the sign to which it is attached.

(e) Illumination.

1. Internal and external illumination is permitted Mixed Use Districts, Downtown Design Corridor, Institutional Uses, and Industrial Districts.

(4.) Community Information Sign. A freestanding or on-building sign which is limited to the display of information of interest to the general community regarding scheduled public events, public activities, public resources, and public facilities. Community information signs include wayfinding signs, but do not include bulletin boards, or the banners within the public right-of-way that are allowed under City Policy 5.051.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.

2. One freestanding community information sign is permitted per lot.
3. Permanent community information signs must be approved by the Board of Public Works.
4. Community information signs may be located on private or public property, and must meet the visibility requirements of Chapter 18 of the City of Marshfield Municipal Code.
5. Only information regarding public events, public facilities, and public information of general interest to residents may be displayed on community information signs.
6. Community information signs may include kiosks, parking lot signs, interpretive signs, and entry signs into the community.
7. Only wayfinding signs are permitted within the public right-of-way. Temporary wayfinding signs may be approved by the Director of Public Works and may include commercial messages during municipal road construction projects. All other temporary community information signs must follow the requirements of Section 24-06.
8. Permanent wayfinding signs within the public right-of-way must be approved by the Board of Public Works and Plan Commission through the alternative sign permit process.
9. Community information signs shall not be counted as adding to the area of signage on the property on which it is placed for the purposes of regulating sign area.
10. May not have both a Changeable Copy Sign and Electronic Message Center on the same freestanding sign.

(b) Sign Height.

1. 8 feet maximum for freestanding signs in Multifamily Residential Uses.
2. 12 feet maximum for freestanding signs in Mixed Use Districts, Institutional Uses, and Industrial Districts.

(c) Sign Area.

1. 20 square feet maximum in Multifamily Residential Uses.
2. 80 square feet maximum in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, and Industrial Districts.

(d) Sign Setback.

1. As determined by the Board of Public Works.
2. May not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(e) Illumination.

1. Internal and external illumination is permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.

(5.) Directional Sign, Off-Premises. A sign which indicates only the name, logo, or symbol of a specific business destination and a directional arrow or symbol to the destination. Does not include a community information wayfinding sign.

(a) Directional signs designed to assist the general public in finding a route to a public use from city thoroughfares may be erected within the thoroughfare rights-of-way by the city at the expense of the identified use.

(b) Off-premises directional signs shall be applied for through the alternative sign permit process.

(c) Such signs may include, but are not limited to, the name and logo of each eligible use, a directional arrow and a distance indication.

(d) The number, type, design and placement of signs are subject to the approval of the Board of Public Works and the Plan Commission.

(e) Only one permit is required for all directional signs for a development installed at the same time.

(f) Criteria shall be based on the sign type regulations.

(6.) Directional Sign, On-Premises. A sign which indicates only the name, logo, or symbol of a specific business destination within a development or lot and a directional arrow, instructions, or symbol to that destination. The premises may include all lots that are contiguous, abutting, or adjacent, under unified single ownership or unified development.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.
2. One freestanding on-premises directional sign permitted for each vehicular entrance and one per exit and one parking restrictions/conditions sign for each parking area if visible from the right-of-way.
3. Must include symbol or text indicating direction of traffic flow.
4. Additional interior signage is allowed provided the commercial message on interior signage is not directed towards right-of-way traffic.

(b) Sign Height.

1. 5 feet maximum in Mixed Use Districts, Downtown Design Corridor, Multifamily Districts, and Institutional Uses for freestanding signs.
2. 6 feet maximum in Industrial Districts for freestanding signs.

(c) Sign Area.

1. 8 square feet maximum in Mixed Use Districts, Downtown Design Corridor, Multifamily Districts, and Institutional Uses for freestanding signs.
2. 12 square feet maximum in Industrial districts.

(d) Sign Setback.

1. May not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(e) Illumination.

1. Internal and external illumination is permitted in Mixed Use Districts, Downtown Design Corridor, Industrial Districts, and Institutional Uses.

(7.) Electronic Message Center (EMC). A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. If existing signs are able to meet the following requirements, they must do so.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Institutional Uses, and Industrial Districts.
2. One electronic message center sign is allowed per property.

3. Freestanding electronic message center signs may not be standalone and must be part of a monument, post and panel, pylon, or highway sign.
4. Electronic message center signs are counted towards the total allowable on-building or freestanding sign area to which they are attached.
5. Electronic message center signs shall be maintained so as to be able to display messages in a complete and legible manner.

(b) Sign Height.

1. Freestanding electronic message center signs are limited to the height requirements to which the sign is attached.
2. On-building electronic message center signs may not extend above top of the roof or parapet line of the building to which it is attached.

(c) Sign Area.

1. Freestanding signs are limited to fifty percent (50%) of the overall sign area for which the electronic message center is attached, with a maximum area of 40 square feet in Mixed Use and Industrial Districts and 24 square feet in Neighborhood Mixed Use Districts and Institutional Uses.
2. On-building signs are limited to 10% of the façade for all signs and are limited to fifty percent (50%) of the overall sign area for which the sign is attached, with a maximum area of 40 square feet in Mixed Use and Industrial Districts and 24 square feet in Neighborhood Mixed Use Districts and Institutional Uses.

(d) Sign Setback.

1. Limited to the setback requirements of the sign to which it is attached.

(e) Illumination.

1. Illumination is permitted in Mixed Use Districts, Institutional Uses, and Industrial Districts.
2. Messages and non-text images shall not change appearance more than once every 4 seconds and transitions between messages shall be less than one second. The scrolling of text is permitted and not subject to the 4 second hold time. Use of electronic message center signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered flashing, or animated signs, which are prohibited per Section 24-07(1)(d).
3. All electronic message center signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
4. Illumination Standards. Refer to Section 24-12(11).

(8.) Fuel Signs. A type of freestanding, on-building, or variable message center sign which displays the current fuel price visible off-premises.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts and Industrial Districts.
2. One fuel sign is allowed per freestanding sign (includes multiple fuel prices as one sign).
3. Freestanding fuel signs may not be standalone and must be part of a monument, post and panel, pylon, or highway sign.
4. Does not count against electronic message center sign area allowance if digital or changeable copy sign if manual.

(b) Sign Height.

1. Limited to the height requirements of the attached sign.

(c) Sign Area.

1. 10 square feet maximum per type of fuel, with a maximum total area of 40 square feet (4 fuel types) in the Mixed Use and Industrial Districts. Sign area allowed in addition to the area of the sign to which it is attached.
2. 20 square feet maximum per type of fuel, with a maximum total area of 80 square feet (4 fuel types) when part of a Highway sign. Sign area allowed in addition to the area of the sign to which it is attached.
3. On-building signs are limited to 10% of the façade for all signs.

(d) Sign Setback.

1. Limited to the setback requirements of the attached sign.

(e) Illumination.

1. Illumination is permitted in Mixed Use Districts and Industrial Districts.

(9.) Group or Large Development Signs. Signs displaying the collective name of a group of uses defined as a group or large development under Chapter 18, Section 18-114, and/or the names and/or logos of individual occupants of the group development.

(a) Group and Large Development signs shall be based on approval of a master sign plan per Section 24-10.

(10.) Highway Sign. A type of large scale freestanding sign erected upon one or more pylon, pole, or post, of a scale that is larger than a pylon sign. This type of sign does not include billboards.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts and Industrial Districts.
2. One sign within 100 feet of U.S. Highway 10 right-of-way plus one additional non-highway freestanding sign per lot.
3. The base or support(s) of freestanding signs shall be securely anchored to a concrete base or footing.
4. The footing and related supporting structure, including bolts, flanges, and brackets, shall be concealed by landscaping, sign cover or similar means and should not be visible from the public right-of-way.
5. A 3 foot landscaping area around the base is required for new sign structures per Section 24-12(18).
6. One freestanding fuel sign is allowed as part of the highway sign but not counted towards the maximum size allowance to the sign which it is attached.
7. May not have both a Changeable Copy Sign and Electronic Message Center on the same freestanding sign.

(b) Sign Height.

1. 40 feet maximum in Mixed Use Districts and Industrial Districts.

(c) Sign Area.

1. 150 square feet maximum in Mixed Use Districts and Industrial Districts.

(d) Sign Setback.

1. 15 feet minimum in Mixed Use Districts and Industrial Districts.
2. May not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(e) Illumination.

1. Internal or external illumination is permitted in Mixed Use Districts and Industrial Districts.

(11.) Home Occupation Sign. A freestanding or on-building sign used to portray to the public, a place of an occupation within a home.

(a) Sign Allowance.

1. Allowed in Residential Districts, excluding Institutional and Multifamily Uses.
2. Requires a Conditional Use Permit.
3. Existing signs may be maintained or replaced provided the size is not increased.
4. Only one home occupation sign is permitted. No temporary commercial signs are permitted on premises.

(b) Sign Height.

1. 6 feet maximum for freestanding signs.

(c) Sign Area.

1. 10 square feet maximum.

(d) Sign Setback.

1. 5 feet minimum.

(e) Illumination.

1. External illumination is permitted between the hours of 7:00 a.m. until 9:00 p.m.

(12.) Marquee Sign. An on-building sign mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building, and often includes a variable message sign attached to the structure.

(a) All Marquee signs must be approved through an alternative sign permit.

(b) Sign clearance must be a minimum of 8 feet above finished grade immediately below the sign.

(13.) Monument Sign. A type of freestanding sign supported by a solid base of at least 75% of the sign width.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.
2. Permitted in Residential Districts when part of an entrance to a subdivision.
3. One freestanding sign per lot.
4. The bottom of sign face may not be greater than 1 foot above the base.
5. A sign may be incorporated into a retaining wall or masonry wall.
6. The base or support(s) of freestanding signs shall be securely anchored to the sign.

7. The base of the sign should be constructed of masonry, metal, or materials similar to the principal building that the sign is advertising.
8. The footing and related supporting structure, including bolts, flanges, and brackets, shall be concealed by landscaping, sign cover, or similar means and should not be visible from the public right-of-way.
9. A 3 foot landscaping area around the base is required for new sign structures per Section 24-12(18).
10. One freestanding fuel sign is allowed and not counted towards the maximum size allowance to the sign which it is attached.
11. May not have both a Changeable Copy Sign and Electronic Message Center on the same freestanding sign.

(b) Sign Height.

1. 8 feet maximum in Residential Districts.
2. 12 feet maximum in Mixed Use Districts, Institutional Uses, and Industrial Districts.

(c) Sign Area.

1. 50 square feet maximum in Residential Districts.
2. 100 square feet maximum in Mixed Use Districts, Institutional Uses, and Industrial Districts.

(d) Sign Setback.

1. 5 feet minimum in Mixed Use Districts, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.
2. May not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(e) Illumination.

1. Internal or external illumination is permitted in Mixed Use Districts, Institutional Uses, and Industrial Districts.
2. External illumination is permitted in Residential Districts.

(14.) Multitenant Signs. A type of freestanding or on-building sign consisting of two or more separate businesses where the businesses share either the same lot or structure and use common access and/or parking facilities.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Institutional Uses, and Industrial Districts.
2. Permitted in the Downtown Design Corridor as an on-building sign only.
3. One freestanding sign per lot.
4. The base or support(s) of freestanding signs shall be securely anchored to a concrete base or footing.
5. The footing and related supporting structure, including bolts, flanges, and brackets, shall be concealed by landscaping, sign cover or similar means and should not be visible from the public right-of-way.
6. A 3 foot landscaping area around the base is required for new sign structures per Section 24-12(18).

7. One freestanding fuel sign is allowed and not counted towards the maximum size allowance to the sign which it is attached.
8. May not have both a Changeable Copy Sign and Electronic Message Center on the same freestanding sign.

(b) Sign Height.

1. Limited by the height of the sign to which they are attached for freestanding signs.

(c) Sign Area.

1. 50 square feet maximum in the Neighborhood Mixed Use District for freestanding signs.
2. 100 square feet maximum plus 10 additional square feet per tenant up to a total of 150 square feet in Mixed Use Districts, Institutional Uses, and Industrial districts for freestanding signs.
3. 10 percent maximum of the building facade, with a minimum of 50 square feet of signage allowed regardless of the size of the building façade in Mixed Use Districts, Institutional Uses, and Industrial Districts for wall signs. Maximum of 200 square feet plus 25 square feet per additional tenant provided the building facade is of a sufficient size to permit the full 200 square feet of signage.
4. 25 percent maximum of the building facade, with a minimum of 50 square feet of signage allowed regardless of the size of the building façade in Downtown Design Corridor for wall signs.
5. All other on-building signs permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, and Industrial Districts and are limited to the regulations for the type of sign proposed.

(d) Sign Setback.

1. 5 feet minimum in Mixed Use Districts, Institutional Uses, and Industrial Districts.
2. May not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(e) Illumination.

1. External or back-lit illumination is permitted in the Downtown Design Corridor.
2. Internal or external illumination is permitted in Mixed Use Districts, Institutional Uses, and Industrial Districts.

(15.) Mural Sign. A very large image, such as a painting or enlarged photograph, applied directly to a wall or ceiling.

(a) All Mural signs must be approved through an alternative sign permit.

(16.) Off-Premises Sign. A freestanding or on-building sign that is placed on an off-premises property and not classified as a billboard, when a hardship such as intervening structures, distance from the right-of-way, or lack of space on-premises exists on the business property.

(a) Off-Premises signs shall be applied for through the alternative sign permit process.

(b) Criteria shall be based on the sign type regulations.

(17.) Post and Panel. A type of small scale freestanding sign mounted on a post or posts, either with the sign mounted between two posts or atop of the post(s).

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Residential Districts.
2. One freestanding sign per lot.
3. A 3 foot landscaping area around the base is required for new sign structures per Section 24-12(18).
4. May not have both a Changeable Copy Sign and Electronic Message Center on the same freestanding sign.
5. One freestanding fuel sign is allowed as part of the post and panel sign but not counted towards the maximum size allowance to the sign which it is attached.

(b) Sign Height.

1. 6 feet maximum in Residential Districts.
2. 8 feet maximum in Downtown Design Corridor, and Multifamily Residential Uses.
3. 12 feet maximum in Mixed Use Districts, Institutional Uses, and Industrial Districts.

(c) Sign Area.

1. 10 square feet maximum in Residential Districts.
2. 24 square feet maximum in Multifamily Residential Uses.
3. 40 square feet maximum in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, and Industrial Districts.

(d) Sign Setback.

1. 5 feet minimum in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Residential Districts.
2. May not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(e) Illumination.

1. External illumination is permitted in Downtown Design Corridor and Residential Districts.
2. Internal or external illumination is permitted in Mixed Use Districts, Institutional Uses, and Industrial Districts.

(18.) Projecting Sign. An on-building sign mounted at any angle other than parallel to the wall on which it is mounted and/or extends beyond 18 inches from the wall.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.
2. Awnings, canopies, and marquee signs are not considered projecting signs.
3. One commercial projecting sign per building is permitted for single-tenant buildings. One commercial projecting sign per tenant is permitted for multi-tenant buildings. Additional information signs are permitted to be projecting provided they meet the requirements of Section 24-05(8).
4. All movable parts, such as covers to service openings, shall be securely fastened.
5. Signs are permitted to project into the right-of-way provided it meets the projecting sign setback below.

6. If projecting into the right-of-way, the city may require a certificate of liability insurance.

(b) Sign Height.

1. May not extend above top of the roof or parapet line of the building to which it is attached.
2. Sign clearance must be a minimum of 8 feet above finished grade immediately below the sign.

(c) Sign Area.

1. 32 square feet maximum per sign in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.

(d) Sign Setback.

1. May not project more than 6 feet from the wall of the building to which the sign is attached.
2. Must be setback a minimum of 2 feet from the curb face of a curbed street.
3. May not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(e) Illumination.

1. External Illumination in the Downtown Design Corridor.
2. Internal or external illumination is permitted in Mixed Use Districts, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.

(19.) Pylon Sign. A type of freestanding sign erected upon one or more pylon, pole, or post, of a scale that is larger than post and panel sign.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts and Industrial Districts.
2. One freestanding sign per lot.
3. The base or support(s) of freestanding signs shall be securely anchored to a concrete base or footing.
4. The footing and related supporting structure, including bolts, flanges, and brackets, shall be concealed by landscaping, sign cover or similar means and should not be visible from the public right-of-way.
5. A 3 foot landscaping area around the base is required for new sign structures per Section 24-12(18).
6. One freestanding fuel sign is allowed and not counted towards the maximum size allowance to the sign which it is attached.
7. May not have both a Changeable Copy Sign and Electronic Message Center on the same freestanding sign.

(b) Sign Height.

1. 12 feet maximum in the Neighborhood Mixed Use District for freestanding signs.
2. 24 feet maximum in Mixed Use Districts and Industrial Districts for freestanding signs.

(c) Sign Area.

1. 50 square feet maximum in the Neighborhood Mixed Use District.
2. 100 square feet maximum in Mixed Use Districts and Industrial Districts.

(d) Sign Setback.

1. 5 feet minimum in Mixed Use Districts and Industrial Districts.
2. May not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(e) Illumination.

1. Internal or external illumination is permitted in Mixed Use Districts and Industrial Districts.

(20.) Suspended Sign. An on-building sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.
2. Signs located on marquees may not extend beyond the outer edge of the marquee.

(b) Sign Height.

1. Sign clearance must be a minimum of 8 feet above finished grade immediately below the sign.

(c) Sign Area.

1. 16 square feet maximum in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.

(d) Sign Setback.

1. May not extend beyond the structure to which it is attached.

(e) Illumination.

1. External Illumination in the Downtown Design Corridor.
2. Internal and external illumination is permitted in Mixed Use Districts, Institutional Uses, Industrial Districts, and Multifamily Residential Uses.

(21.) Wall Sign. An on-building sign for an individual business or tenant mounted parallel to and directly on a building facade or other vertical building surface. Includes transom signs, channel letters, cabinet signs, and similar types of signs.

(a) Sign Allowance.

1. Permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, and Residential Districts.
2. New cabinet signs are not permitted in the Downtown Design Corridor. Existing signs may be replaced but not enlarged.
3. Wall signs shall not project more than 1 foot beyond the edge of any wall or other surface to which they are mounted.
4. Wall signs shall directly face the right-of-way unless directing customers to an entrance or facing a customer parking lot.
5. Wall signs may not be painted directly on to any building surface.

(b) Sign Height.

1. May not extend above top of the roof or parapet line of the building to which it is attached.

(c) Sign Area.

1. 10 square foot maximum in Residential Districts.
2. 24 square foot maximum in Neighborhood Mixed Use Districts, Multifamily Uses and Mobile Home Parks.
3. 10 percent maximum of the building facade, with a minimum of 50 square feet of signage allowed regardless of the size of the building façade in Mixed Use Districts, Institutional Uses, and Industrial Districts. Maximum of 200 square feet provided the building facade is of a sufficient size to permit the full 200 square feet of signage.
4. 25 percent maximum of the building facade, with a minimum of 50 square feet of signage allowed regardless of the size of the building façade in Downtown Design Corridor. Maximum of 200 square feet provided the building facade is of a sufficient size to permit the full 200 square feet of signage.

(d) Sign Setback.

1. Not applicable.

(e) Illumination.

1. Internal illumination is permitted in the Mixed Use Districts, Institutional Uses, and Industrial Districts when not facing residentially zoned property.
2. Internal and back lit illumination is permitted for channel letters, push-through signs, and transom signs in the Downtown Design Corridor.
3. External illumination is permitted in Mixed Use Districts, Downtown Design Corridor, Institutional Uses, Industrial Districts, Residential Districts, and Multifamily Residential Uses.

(ORD 1264 11-12-13)

Section 24-04: Sign Area Allowance, Measurement Standards, and Flexible Criteria

(1.) Total Sign Area Allowance.

(a) Except for the Downtown Design Corridor, all signage for each lot is limited to 2 square feet per linear foot of street frontage. Lots fronting on two or more public streets or alleys are allowed the permitted sign area for each frontage; however, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building or wall area frontage on that street.

(b) Sign allowance in the Downtown Design Corridor is limited 25% of the façade of the building facing a public street or up to 10% of the building façade facing a public alley or customer parking lot that does not face a public street.

(2.) Measurement of Signs.

(a) Measurement of Sign Setback: The setback is measured from the right-of-way line or property line to the leading edge of the sign or base, whichever is closer. The sign structure includes any part of actual sign and the base the sign is built upon.

(b) Measurement of Sign Area: The measurement of sign area is based on the arrangement of sign copy and sign background:

1. For signs comprised of individual letters either on a neutral surface or individual panels, sign area shall be measured as the sum of the smallest rectangle enclosing each letter or related

copy. Neutral surface may include a painted sign band or other similar painted surfaces not to be included in the total sign area.

2. For signs comprised of individual letters and related copy which are attached to a background surface with one or more non-neutral background colors, sign area shall be measured as the sum of the smallest rectangles and right triangles, including curved edges (circles/ellipses), enclosing entire sign message and any and all non-neutral background color areas.

3. For double-faced sign with faces at 60 degrees or less. Unless otherwise specified in these regulations, when the sign faces of a double-faced sign are parallel or the angle formed by the sign faces is 60 degrees or less, only one sign face shall be measured in computing the sign area. If the two faces of such a double-faced sign are of unequal area, the larger sign face shall be considered the area of the sign. Signs where the separation is larger than 60 degrees shall be counted as two separate signs.

4. For signs comprised of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.

5. In the case of a freestanding sign (including three-dimensional objects), sign area shall include the total sign areas per subsection 1-4 above, that can be viewed from any single vantage point (i.e., for a typical freestanding sign which faces two directions, only one face of the sign shall comprise the sign area). Sign area shall not include any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign message. Examples of parts of a freestanding sign structure which are exempt from the sign area include the sign base and the supporting columns, posts, or poles. Support structures that include commercial messaging or logos may be counted towards the sign area of the sign.

(c) Measurement of Sign Height: The height of a freestanding sign shall be measured from the natural grade, at the center of base to the top of the highest attached component of the sign. Grading or landscape area less than 18 inches above the natural grade will not be counted toward the overall sign height.

(3.) Flexible Criteria.

(a) If the business or development qualifies as a large building, which is defined as any building exceeding 125 feet in length or having three or more stories or have gross square footage in excess of 50,000 square feet, the business or development will be allowed additional wall sign area per building elevation up to an additional 150 square feet above the 200 square foot limitation, but may not exceed 10% of the façade the sign is located on.

(b) If the building has an additional set-back it may be allowed additional wall sign area. The amount of wall signage may be increased by one foot for every additional three feet the building is setback beyond the required setback for the underlying zoning district (not using major street setback and not permitted where zoning district has a zero foot front yard setback). The measurement shall be taken from the closest point on the wall in which the sign is located to the nearest facing right-of-way line. The development will be allowed additional sign area up to an additional 50 square feet of wall signage above the 200 square foot limitation, but may not exceed 10% of the façade the sign is located on. Example: Building setback 50 feet from the front property line in the CMU District. CMU District requires a minimum 20 feet front setback. = (**50-20) = 30/3 = 10 additional square feet of sign allowance for the site.**

(c) Flexibility: The City shall allow the following flexibility for freestanding signage where the setback is increased for Mixed Use Districts, Institutional Uses, and Industrial Districts.

1. Height of Freestanding Sign. A sign may exceed the height requirements in Section 24-03 if for every additional foot of height, the setback increased 2 foot up to a maximum of 4 additional feet per sign type.
2. Area of Freestanding Sign: A sign may exceed the area requirements in Section 24-03 if for every additional 5 square feet of area, the setback increased 1 foot up to an additional 20 square feet per sign type.

(ORD 11-12-2013)

Section 24-05: Signs Not Requiring a Permit

The following signs are permitted in all zoning districts without the need for a permit. Such signs shall not count toward the maximum permitted sign area in the zoning district in which they are located. Refer to Section 24-06 and 24-07 for regulations on Temporary and Prohibited and Limited Signs.

(1.) Address. Address numerals and other information to identify a location by law, order, rule, or regulation, provided that such sign does not exceed three square feet in area per officially assigned address, or the size required by law, order, rule, or regulation, whichever is greater.

(2.) Bulletin Board. On-premises signs not exceeding 20 square feet listing meetings, services, activities, or events for public, philanthropic, or religious institutions.

(3.) Commemorative Sign. Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure, not exceeding 4 square feet, denoting the name of that structure or its date of erection or short narrative.

(4.) Flags. Flags and insignia of corporations and businesses names of less than 50 square feet in area.

(5.) Garage Sale Sign. Permitted on-premises and off-premises on the day(s) of the sale. Must be removed at the end of the sale.

(6.) Government Information Sign. Signs erected or placed by or on behalf of a duly constituted governmental body, including, but not limited to legal notices, handicap parking signs, event signs, traffic signs or other regulatory, including digital radar speed limit signs, directional or warning signs.

(7.) Identification Sign. A sign not exceeding 6 square feet indicating the name and/or address of the property owner, tenant and/or manager of the property.

(8.) Informational Signs. An on-building sign which provides special information such as hours of operation, directional signs for pedestrians, or similar signs.

(a) Sign Area. Sign is limited to 4 square feet in area in Residential Districts or 6 square feet in area in all other districts and uses.

(b) The sign may contain a business logo or name if the logo name does not exceed 1 square feet in area.

(9.) Interior Oriented Sign. Signs which are located on the interior of a premises and which are primarily oriented to persons within that premises such as drive-thru menu boards, interpretive signs, interior directional and informational signs, and other similar signs not directed toward traffic or pedestrians in the public right-of-way.

(10.) "Open" Sign. Illuminated or non-illuminated signs, not exceeding 4 square feet, which advertise a premises as open for business, with no more than one sign per street on which the property has frontage, and not more than two signs in aggregate which are in place only when the related premises are actually open for business.

(11.) Pennant Signs. A type of decorative banner/flag vertically attached to a building, City light pole, or permit designated rods for special event, decoration, or seasonal changes. May include words, names of facilities, images, and shapes, but not intended to be used for commercial advertising.

(12.) Philosophical Sign. Philosophical, personal, religious, educational or other non-commercial signs are exempt from the permitting process provided they do not pose a health or safety hazard. Philosophical signs shall not exceed 6 square feet in area and 4 feet in height, and are limited to one per frontage on a public right-of-way.

(a) May include symbolic signs such as a pole or similar structure where the sign structure does not exceed two feet in width or 8 feet in height.

(13.) Public Property and Right-of-Way Signs. The following signs not requiring a permit that may be allowed pursuant to city approval:

(a) Signs erected by or on behalf of a governmental body to post legal notices, identify public property including parking lots, regulatory, convey public information and direct or regulate pedestrian or vehicular traffic. Signs for public and quasi-public events are for those functions that are held by public or quasi-public organizations.

(b) Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

(c) Directional signs, including wayfinding signs designed to assist the general public in finding a route to a public use from city thoroughfares may be erected within the thoroughfare rights-of-way by the city at the expense of the identified use as defined in Section 24-03(5) and must be approved by the Board of Public Works.

(d) Bus stop signs erected by a public transit company and taxicab stop signs.

(e) Informational signs of a public utility regarding poles, lines, pipes or other facilities.

(f) Any sign installed or placed on public property, except in conformance with all the requirements of this sign code, shall be forfeited to the public and subject to confiscation.

(g) Temporary signs approved by the Director of Public Works.

(14.) Site Information Sign. Individual signs of no more than 8 square feet which, without including advertising, provide instructions and/or direction to facilities intended to serve the public, such as rest rooms, public telephones, walkways, parking, and similar facilities.

(15.) Small Signs. Directional signs less than 3 square feet in area and less than 3 feet in height.

(16.) Temporary Signs. Temporary signs 32 square feet or less. Refer to Section 24-06 of this Chapter.

(17.) Window Sign. A type of sign located within a building that is attached to the inside face of an exterior window and visible from the exterior of the building.

(a) Window signs shall be limited to a maximum area that does not exceed 50 percent of the area of the window.

(b) Such signs shall not count against the maximum area or number of business signs allowed per Section 24-03.

(c) There is no limit in the number of window signs.

(CODE 1264, 11-12-2013)

Section 24-06: Temporary Signs

(1.) Temporary Sign. A sign or advertising display (including festoons, banners, pinwheels and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offers.

(2.) General Regulations.

(a) A sign permit shall not be required for all temporary signs that meet the requirements of this Chapter unless the temporary sign exceeds 32 square feet. Temporary signs exceeding 32 square feet must apply for a temporary sign permit per Section 24-09(2)(c) unless otherwise exempt from permitting requirements.

(b) Except as may be allowed below or by an approved alternative sign permit, single-tenant businesses or other entities on a lot is permitted to display no more than two temporary signs at a single time with a limit of 50 square feet total sign area unless otherwise stated below. Multi-tenant spaces are allowed one temporary sign per business.

(c) Such signs shall not count against the maximum area or number of business signs allowed per Section 24-03.

(d) All temporary signs shall be anchored and supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety.

(e) Freestanding temporary signs may not protrude into the vision triangle as regulated by Chapter 18 of the City of Marshfield Municipal Code.

(f) Temporary signs may not be internally illuminated for all districts and uses and may not be externally illuminated in Residential Districts.

(g) Permitted in all districts and uses unless restricted below.

(h) Temporary signs are prohibited in or over the public right-of-way unless approved by the Director of Public Works.

(3.) Regulations for Specific Temporary Sign Types.

(a) Advertising Flags. Signs advertising sales, limited time offers, grand openings, or other special events including "Open" flags.

1. Prohibited in Residential Districts, excluding Institutional and Multifamily Uses.
2. Does not require a temporary sign permit.
3. 16 square feet maximum in area.
4. 8 feet maximum in height if ground mounted and may not extend above the roof line if building mounted.
5. All advertising flags shall be regularly maintained.
6. Deteriorated flags (torn, faded, sagging or in disrepair) shall not be displayed.
7. Freestanding signs shall be limited to 30 consecutive days.

(b) Banners. A temporary sign having the characters, letters, illustrations or ornamentation applied to cloth, paper, fabric or other lightweight material, with only such material for a backing. Banners under these regulations do not include bulletin boards, decorative pennants, or the banners within the public right-of-way that are allowed under City Policy 5.051.

1. Requires a temporary sign permit if the sign exceeds 32 square feet in area. Sign shall not exceed 50 square feet in area.
2. All banners shall be regularly maintained.
3. Deteriorated banners (torn, faded, sagging or in disrepair) shall not be displayed.
4. Freestanding banners shall be limited to 30 consecutive days.
5. Banners shall be mounted to stable or permanent structures such as buildings, fences, freestanding signs or similar structures.

(c) Community Event Signs. A temporary sign which is limited to the display of information of interest to the general community regarding scheduled public events, public activities, and public facilities. Community event signs do not include bulletin boards, internal on-premises signs not intended for view from the public right-of-way, or the banners within the public right-of-way that are allowed under City Policy 5.051.

1. One such on-premises sign at the location of the event, plus up to two additional off-premises signs may be placed on private property, not more than 21 days before the event and shall be removed within 48 hours after the event in. Signs over 6 square feet are prohibited in Residential Districts, excluding Institutional and Multifamily Uses.
2. Requires a temporary sign permit if the sign exceeds 32 square feet in area. Sign shall not exceed 50 square feet in area.
3. Additional off-premises signs for such a temporary event may be placed on a separate private property in all districts and uses; limited to one sign per property and limited to 6 square feet in area. Such signs shall not be erected more than 21 days before the event and shall be removed within 48 hours after the event.

(d) Construction/Future Tenant Signs.

1. Two construction/future tenant signs permitted per construction site.
2. Does not require a temporary sign permit.
3. Signs shall not exceed a total of 32 square feet in Residential Districts or 100 square feet in area in all other districts and uses.
4. Such signs shall be confined to the site of construction and shall be removed 30 days after completion of construction prior to occupancy, whichever is sooner.

(e) Directional Signs. Temporary directional signs may be allowed on or off-premises to direct people to a public or private event.

1. Off- premises signs may not include a commercial message and are not permitted for commercial events.
2. Does not require a temporary sign permit.
3. Limited to the day of the event.
4. 6 square feet maximum in area.
5. Must be removed within 24 hours of the event.

(f) Garage Sale Sign. Permitted on-premises and off-premises on the day(s) of the sale.

1. Does not require a temporary sign permit.
2. Must be removed at the end of the sale.

(g) Personal Greeting or Congratulatory Signs. One personal greeting or congratulatory sign or object, per premises.

1. Signs may not include a commercial message and are not permitted for commercial events.
2. Does not require a temporary sign permit.
3. 50 square feet maximum in area.
4. Freestanding signs shall be limited to 7 consecutive days.

(h) Political Signs. Signs promoting a candidate or position on an issue for an upcoming election must meet the requirements of Wisconsin State Statutes 12.04.

1. Does not require a temporary sign permit.

(i) Public Right-of-Way Signs (PROW). Signs regulated by City Policy 5.080 are not regulated by this Chapter. Refer to Section 24-05(13).

(j) Real Estate Signs. Signs used to offer for sale, lease, or rent the property upon which the sign is placed.

1. One non-illuminated real estate sign is allowed per street frontage.
2. Does not require a temporary sign permit.
3. Such sign shall be removed within 30 days of the sale or lease of the single space it is advertising.
4. Such sign shall not exceed 8 square feet area in Residential Districts and 32 square feet in area in all other districts and uses including Institutional and Multifamily Uses, and for undeveloped subdivisions.
5. Additional off-premises signs and an additional on-premise sign is permitted during an open house event.

(k) Sandwich Board. A movable sign placed by hand outside the building while the business is open and removed at the time the business closes each day. Such signs are used for the purpose of promoting special business offers and not as primary business signage.

1. Does not require a temporary sign permit.
2. Sandwich boards shall not exceed 4 feet in height or 3 feet in width and the sign area shall not exceed 6 square feet per side.
3. All sandwich boards shall be designed to be self-supporting in such a manner to withstand the elements, including the ability to remain upright on windy days.

(l) Temporary Commercial Signs. Signs advertising sales, limited time offers, grand openings, or other special events.

1. Prohibited in Residential Districts, excluding Institutional and Multifamily Uses.
2. Requires a temporary sign permit if the sign exceeds 32 square feet in area. Sign shall not exceed 50 square feet in area.
3. One non-illuminated freestanding temporary commercial sign is allowed per street frontage.
4. Such freestanding signs not exceeding 50 square feet in area, and not greater than 8 feet in height if ground mounted.
5. Freestanding signs shall be limited to 30 consecutive days unless a temporary sign permit is approved. Refer to Section 24-09(2)(c).
6. Signs placed on tents, food vendor trailers, or similar structures such as fireworks or Christmas tree stands may be allowed to place signage on the tent or fence of up to 25 percent of the wall area of the tent or fenced in area and are limited to the duration of the sale.

(m) Window Signs. Signs temporarily affixed to the inside of a window intended to advertise goods or services sold on premises. Such signs shall not count toward the limitation on number of temporary signs or sign area of Section 24-06(2)(b), above, provided that the total of all signs in the window area, including temporary and permanently mounted window signs, does not exceed 50 percent of the window area. Refer to Section 24-05(16).

(CODE 1264, 11-12-2013)

Section 24-07: Prohibited and Limited Signs

(1.) Sign Prohibitions. The regulations contained in this subsection apply to signs in all zoning districts.

(a) No fluttering, undulating, swinging, rotating, or otherwise moving signs.

(b) No roof signs shall be permitted. No sign shall be mounted on, displayed on, or extend above the top edge of a roof on the structure to which it is attached. Signs placed on mansard roofs are considered wall signs not roof signs.

(c) Extending signs. Signs or sign structures, other than freestanding, that extend above the parapet, building roof line or canopy/awning against which the sign is located.

(d) No flashing or animated signs shall be permitted.

(e) No inflatable device shall be permitted.

(f) No beacons or search beacons shall be permitted.

(g) No abandoned signs shall be permitted.

(h) Advertising Mobile Sign. Any sign or advertising device attached to a vehicle or trailer parked on a public right-of-way or private property so as to be seen from a public right-of-way, for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises for more than 48 consecutive hours, with the principal purpose to attract attention to a product sold or a business located on the property or located off-premises. Business vehicles, including radio or similar type of vehicles, which contain typical business signage and which are actively used for business purposes are not considered advertising mobile signs. Advertising Mobile Sign excludes existing signs affixed on trailers 50 square feet or less, the "Green Cow" sign when not used for commercial purposes, food vendor trailers, vehicles painted prior to the adoption of this chapter with the business name on it, and mobile signs otherwise permitted in this chapter.

(i) Signs in the public right-of-way that are not otherwise permitted in this Chapter.

(j) Non-compliance. Any other sign that does not comply with the terms, conditions or provisions of this sign code.

(k) Except for murals, on-building signs such as wall signs may not be painted directly on to any building surface. Existing commercial signs may be repainted to the same size.

(l) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape unless required for safety.

(m) No sign shall be placed in a manner that would impede vehicular or pedestrian safety, or impede access or visibility. Signs shall meet the visibility requirements of Chapter 18 of the City of Marshfield Municipal Code.

(n) No commercial sign shall be attached to or painted on any natural feature (e.g. tree or rock), public utility pole, public light pole or traffic regulatory structure.

(o) Signs posing traffic or pedestrian hazards. No signs shall be erected, and there shall be no lighting of signs or premises in such a manner or location as to obstruct the view of, or be confused with, any authorized traffic signal, notice or control device, or with lights on any emergency vehicle. Specifically prohibited are signs or attention attracting devices using:

1. Lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color, except for time/temperature, date, or similar brief informational displays.

2. Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists or pedestrians.
3. Bare bulbs, except for time/temperature devices using bulbs over 25 watts. This does not include neon.
4. Words and traffic control symbols so as to interfere with, mislead or confuse traffic, such as "stop", "look", "caution", “danger”, or "slow", as determined by the Marshfield Police Department or the Zoning Administrator. Either may order removal of any sign creating a danger to life or property.
5. Any artificial device, figure, shape, color, sound, light or exhibit, whether live, animated, or still, that strobes, rotates, or emits sounds that would be considered a distracting device, as determined by the Marshfield Police Department or the Zoning Administrator.

(CODE 11-12-2013)

Section 24-08: Nonconforming Signs

(1.) Nonconforming Signs. Signs existing as of January 01, 2014, which do not conform to the provisions of this Chapter, such as brightness, size, height, and location, shall be nonconforming signs. If a sign is approved through the alternative sign application process, it shall not be considered nonconforming.

(2.) Existing signs that were legal prior to the adoption of this chapter, but have been made nonconforming by the adoption of this chapter, are considered legal conforming.

(3.) Continuation of a Nonconforming Sign.

(a) Nonconforming signs may be maintained.

(b) Nonconforming signs shall not be altered or moved to a new location without being brought into compliance with the requirements of this Chapter. Refer to Section 24-08(4)(a), for what would constitute an alteration of a sign.

(c) Whenever there is a change in the sign user or entity, sign owner, or owner of the property on which the sign is located, the new sign user or entity, sign owner, or new property owner, no new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered nonconforming.

(4.) Alteration and Removal of Nonconforming Signs.

(a) Alteration of Nonconforming Signs.

1. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face, or the supporting structure with identical materials, colors, and messages; changing the message of a marquee or community information sign; or changing the face of a billboard. If a nonconforming sign is modified or changed, but maintains, or reduces the original nonconformity, and does not change the type of sign, such modification may be approved by the Zoning Administrator and would not constitute an alteration. This may include moving the sign to meet the required setback or vision triangle requirements.
2. A multitenant sign which comprises part of a master sign plan may be replaced to accommodate a new tenant sign without triggering the need to bring all the signs, or any of its parts, into compliance with the provisions of this Chapter.
3. Modification of any permanent commercial sign within the right-of-way may only be allowed upon approval by the Board of Public Works with approval of an Encroachment Agreement or similar type agreement in place at the time of approval.

(CODE 1264, 11-12-2013)

Section 24-09: Sign Permit Applications

(1.) Applicability.

(a) Except as otherwise provided in Section 24-05 and 24-06, only those permanent or temporary signs which have been granted a permit from the Zoning Administrator in accordance with the provisions of this section may be erected, installed, constructed, or maintained.

(b) This section shall apply and be construed to require a permit for a change of copy on any permanent or non-variable message center sign including or for any conversions or changes in the sign structure.

(c) This section shall not apply to repainting or re-facing with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure, or changing the advertising message on a billboard.

(d) No new permit is required for signs which are in place as of the effective date this Chapter, and such signs may remain as legal nonconforming signs. Any alteration or relocation of such signs, not meeting the requirements of Section 24-08 shall conform to the requirements of this Chapter.

(e) Any sign permit granted hereunder may not be assigned or transferred to any other sign, including a modified sign face or modified sign structure.

(2.) Types of Sign Permits

(a) Standard: This type of permit is intended for signs that comply with all applicable terms of this sign code, without deviation or variation. Standard sign permits are reviewed and approved by the Zoning Administrator or Plan Commission as appropriate.

(b) Alternative: This type of permit is intended for sign applications that seek approval for proposed signage that is not completely described by the terms of this sign code or not fully in compliance with the specific provisions of this Chapter. Alternative sign permits are reviewed by the Zoning Administrator and approved by the Plan Commission.

(c) Temporary: This type of permit is intended for temporary sign applications that exceed 32 square feet in area unless otherwise exempt from permitting requirements. Temporary sign permits are only valid for 30 days. At the end of 30 days the sign shall either be removed from the property or the applicant may choose to apply for another permit, up to two consecutive permits (consecutive meaning within 30 days of each other). After the consecutive second permit expires, an entity or business must wait a minimum of 30 days before receiving another temporary sign permit after an application is reviewed and approved by the Zoning Administrator. This provision essentially allows an entity or business location to have temporary signs in a cycle of two months on and one month off.

(d) Master: This type of permit is intended for sign applications where two or more sign do not fully meet the individual sign standards. Master sign permits are reviewed by the Zoning Administrator and approved by the Plan Commission.

(3.) Sign Permit Application. Unless waived by the Zoning Administrator, each standard, alternative sign and master sign permit application should include:

(a) The name, address, phone number, and email address of the applicant and sign contractor.

(b) The property's zoning designation, address, and use of the building for which the sign will provide information.

(c) A signage plan, drawn to a recognizable scale, for the property shall be submitted showing the following:

1. Location, type, height, width, and area of the proposed sign.

2. Location, type, height, width, and area of all existing signs on the property and indication of whether existing sign(s) will remain or be removed/replaced.
3. All property lines and buildings on the property and within 50 feet of the proposed sign.
4. Required vision triangles per Chapter 18 of the City of Marshfield Municipal Code.
5. All parking areas, driveways, and public roads.
6. Method of attachment, structural support, method of illumination, and sign materials.
7. Approximate value of the sign to be installed, including cost of installation.

(d) In addition to the sign permit, an electrical permit may be required where applicable.

(e) Any other information that may reasonably be requested by the Zoning Administrator for the purpose of application evaluation.

(f) Any existing or proposed sign on property abutting a State Highway, United States Highway, or Interstate Highway may also require approval from the Wisconsin Department of Transportation or the Federal Highway Administration.

(4.) Granting and Issuance.

(a) The Zoning Administrator shall review the application to ensure it is complete per the requirements of Section 24-09(3), above.

(b) In cases where no other review or approvals are required under this Chapter, the Zoning Administrator shall review said application for compliance with Section 24-09(5) below, and shall, in writing, either approve or deny said sign permit within 10 working days of the acceptance of the complete application and payment of the required fee.

(c) In certain cases, a sign permit may not be granted prior to the approval from the Plan Commission or the Director of Public Works or the Board of Public Works. In such cases, the Zoning Administrator shall review said application for compliance with Section 24-09(5), below, and shall schedule the item on the appropriate meeting agenda(s) on the next available Plan Commission or Board of Public Works scheduled meeting after the acceptance of the complete application and payment of the required fee. Within 10 working days of recommendation or action by the body with recommending or approval authority, the Zoning Administrator shall approve or deny said sign permit based on such recommendation or action.

(d) Denial of a sign permit may not result in reimbursement of permit fees paid.

(5.) Basis for Granting a Standard Sign Permit. In deciding whether or not to grant a standard sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Chapter. In such review, the Zoning Administrator may also consider the following factors:

(a) Whether the sign is compatible with the surroundings.

(b) Whether the sign is designed, installed, and maintained to meet the sign user or entity needs, while at the same time promoting general public needs and desires.

(c) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.

(d) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.

(e) Whether the sign, including its size, height, illumination and location, is respectful of reasonable rights of other signs already displayed in the area.

(f) Whether the sign is in compliance with all provisions of this Code, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.

(CODE 1254, 11-12-2013)

Section 24-10: Master Sign Plan

(1.) Purpose. A master sign plan shall be used to establish criteria for and govern the construction of all signs associated with a use for which a master sign plan has been approved. A permit will be required for individual signs following or in conjunction with master sign plan approval. Signs constructed in violation of an approved master sign plan shall be considered in violation of this sign code. Existing master sign plans effective as of the date of this chapter may continue to be in effect if exceptions to the previous sign code have been granted.

(2.) Applicability. A master sign plan shall be required in the following circumstances:

(a) Two or more signs are installed that do not meet all of the individual sign standards;

(b) Two or more signs are proposed for a Campus District or nonresidential Group or Large Development;

(c) Signs in a Campus District or Group or Large Development that exceeds 50 square feet in area;

(d) An amendment to an existing master sign plan is being proposed when the proposed signage does not comply with the existing master sign plan or the individual sign standards currently in place, whichever is less restrictive;

(e) The Zoning Administrator determines that a master sign plan is needed because of project characteristics such as:

1. Size and number of proposed signs,
2. Limited site visibility, or
3. Site location relative to major transportation routes.

(3.) Submission requirements. An application for master sign plan approval shall be submitted to the Zoning Administrator and shall meet the requirements in Section 24-09(3).

(4.) Procedures. A master sign plan shall be review by the Zoning Administrator and approved by the Plan Commission.

(5.) Flexible criteria. Refer to Section 24-04(3).

(6.) Amendment. A master sign plan may be amended by filing a new master sign plan for approval in conformance with the requirements of the sign code in effect at that time to be approved by the Plan Commission.

(7.) Binding effect.

(a) After approval of a master sign plan, no permanent sign shall be erected, placed, painted or maintained by the property owner or any buyer, tenant, subtenant, assignee, employee, agent or other party in use of the subject property except in conformance with such master sign plan without obtaining a sign permit pursuant to Section 24-09.

(b) If the Plan Commission has approved a master sign plan with exceptions pursuant to Section 24-11, the Zoning Administrator is authorized to approve, through the standard sign permit approval process, sign applications in conformance with the master sign plan, which applications may conflict with the terms of this sign code, but only to the extent that the application is in conformance with the master sign plan.

(c) A master sign plan shall be enforced in the same manner as any other provision of this sign code.

(8.) Requirements.

(a) The master sign plan may be included in the application for final approval of any development plan, site plan, planned unit development, office/business/industrial park development (multi-part approvals) or building permit application for approvals issued by the City of Marshfield.

(CODE 1264, 11-12-2013)

Section 24-11: Alternative Signs

(1.) Alternative Sign Permits are appropriate for sign applications that seek approval for proposed signage that is not completely described by the terms of this sign code or not fully in compliance with the specific provisions of the Code. Alternative sign permits are reviewed by the Zoning Administrator and approved by the Marshfield Plan Commission. The Plan Commission shall use the criteria below to determine whether to approve the Alternative Sign Permit.

(a) If the sign is not in full compliance with the definition or the type of sign is not permitted within a given district, the Plan Commission may make considerations for unique signs that match or have similar architectural styles or materials as the principal building(s).

(b) Site difficulties. If there are unusual site factors, which preclude an allowed sign from being visible to the street immediately in front of the site, an adjustment may be granted to achieve visibility standards. This adjustment is not intended to be used to make signs visible to other streets, but to address site difficulties of visibility to the street on which the sign has direct frontage. Site difficulties may include the sign face being blocked due to topography of the site, elevation of street, setback of the existing development, existing development or landscaping on the site, or from abutting development or landscaping. This set of adjustment criteria is generally intended to allow greater flexibility in placement and dimension requirements of the sign. The adjustment may be approved if the following criteria are found to be met:

1. There is no reasonable place on the site for an allowed sign without an adjustment to achieve visibility standards to the street immediately in front of the site.
2. If the proposed sign extends into the five-foot setback requirement, the sign will not create a traffic or safety hazard.
3. Of potential adjustments to meet the visibility standard, the request is the most consistent with the surrounding development and sign patterns.
4. The adjustment is the minimum needed for a sign to meet the visibility standards.
5. Additional signage may not constitute an over proliferation of signs on a property or cause needless repetition or redundancy of signage.
6. The sign would not be located so as to have a negative impact on adjacent property.
7. The size and height adjustment is the minimal to adhere visibility standards.

(c) If a proposed sign structure, including required landscaped areas would take up required parking spaces and is unable to be suitably placed where setbacks can be met and required parking is not removed, the Plan Commission may reduce or waive the setbacks and landscaping requirement.

(d) Signs where an alternative sign permit is specifically required elsewhere in this chapter such as an off-premises, multiple freestanding signs on one lot, marquee, mural, or temporary sign, may not need to meet all of the above criteria for approval. These are unique signs and the Plan Commission may grant approval on a case by case basis.

(e) Zoning Administrator may require an alternative sign permit when provisions of the sign code are unclear or contradicting. Standard sign permit fee applies.

(CODE 1254, 11-12-2013)

Section 24-12: Appearance, Construction and Maintenance of Signage

(1.) All signs shall be constructed, mounted, and maintained so as to comply with the appropriate detailed provisions of the building code as adopted by the city relating to the design, structural members and connections.

(2.) Electrical signs and sign installers shall also comply with the applicable provisions of Chapter 17, Electrical Code as adopted by the city.

(3.) Illuminated signs must adhere to Section 24-12(11) and all electrical signs must be UL Listed.

(4.) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service shall follow the same rule.

(5.) No sign (except flags) shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to minimize any lateral movement that would cause wear on the sign face or supporting members or connections.

(6.) All permanent signs and their supporting members shall be constructed of standardized sign materials.

(7.) Sign materials should be compatible with the design of the face of the facade where they are placed and should contribute to the legibility of the sign.

(8.) No combustible materials other than approved plastics shall be used in the construction of electric signs.

(9.) All signage within the jurisdiction of this Chapter shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

(10.) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in no change in the overall appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

(11.) Illumination of any sign shall follow the requirements below:

(a) Flashing, flickering and/or other lighting which may distract motorists are prohibited.

(b) Intensity of Illumination.

1. Electrical signs shall also comply with the applicable provisions of the electrical code as adopted by the city and must be UL Listed.
2. Illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on residential uses in direct line-of-sight to the sign.
3. Signs may not be illuminated in a manner that interferes with (including glaring or blinding), misleads or confuses traffic.
4. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
5. In no instance shall the amount of illumination attributable to any non-electronic message center sign, as measured a distance of 10 inches from the face, exceed 60 foot-candles above ambient lighting conditions. In no case, with all lighting components energized, shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed

60 foot candles when measured with a standard light meter held at a distance of ten inches from the sign face.

6. All electronic message center signs shall not exceed 0.3 footcandles above ambient light conditions measured from a distance based on the area of the sign [*measurement distance* = √ *(Area of Sign Sq. Ft. x 100)*], perpendicular to the sign face, and using an illuminance meter capable of accuracy of two decimals. Example: A 24 square foot electronic message center would be limited to 0.3 footcandles when measured at a distance of 49 feet. *Measurement Distance* = √*(24*100)* =***49 feet.***

7. All electronic message center signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

8. All digital billboards signs must abide by Wisconsin State Statutes 84.30(4)(b)&(bm).

(12.) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Zoning Administrator.

(13.) When a sign is removed or replaced, all brackets, poles and other structural elements (both surface and subsurface) that supported the sign shall also be removed and the site restored. Affected building surfaces shall be restored to match the adjacent portion of the structure and any electrical service is safely removed or protected.

(14.) If the Zoning Administrator or the Building Inspector finds that any sign, awning, banner, billboard, flag or any part of any such sign or derivative thereof is unsafe, insecure, dilapidated, out of repair or abandoned, or is in such poor condition that it is dangerous or a blighting influence upon the neighboring properties, they shall issue written notice to the owner of the property upon which the sign exists to cause the sign to be repaired or removed in its entirety.

(15.) A sign shall not stand with bent, broken or missing sign faces, with broken supports, with loosed appendages or struts.

(16.) A sign and the ground surrounding it shall be neat, clean and presentable.

(17.) An internally illuminated sign may only be allowed to stand with partial illumination for a period of no more than 30 consecutive days, without justification.

(18.) Landscaping. When required as part of the sign allowances in Section 24-03, for all new sign structures where a new base is installed, a landscaped area shall extend from the sign base a minimum of three feet, be protected from vehicular encroachment, and be landscaped with a combination of low-growing shrubs, landscape rocks, or ground cover. The landscaped treatment shall be designed and maintained not to obstruct visibility of the sign message. A reduction to the landscaping requirement may be approved administratively if the required landscape area would encroach into the right-of-way, building/structure, existing improved parking area, or into a required parking stall.

(19.) Any existing or proposed sign on property abutting a State Highway, United States Highway, or Interstate Highway may also require approval from the Wisconsin Department of Transportation or the Federal Highway Administration.

(20.) All sign installers must meet the requirements of Section 17-38(4) of the City of Marshfield Electrical Code.

(21.) In addition to the sign permit, an electrical permit may be required where applicable.

(CODE 1264, 11-12-2013)

Section 24-13: Enforcement of Sign Code

(1.) Enforcement of Sign Code and Revocation of Sign Permit.

(a) Any sign or regulation not specified in this chapter may be determined by reasonable interpretation of the sign code by the Zoning Administrator.

(b) A sign permit may be revoked if the applicant has failed to comply with the provisions of this Chapter or any conditions that may have accompanied the permit at the time of issuance. Revocation shall be effective upon written notice by the Zoning Administrator for zoning ordinance violations.

(c) In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 180 days from the date of the issuance of such permit, or if work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the Zoning Administrator may revoke the original permit. In such cases, a new permit shall be obtained to complete the work and a new permit fee shall be required.

(d) Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within 60 days of the revocation notice.

(e) Failure to comply within the timeframe of the revocation notice may result in issuance of citations per Chapter 1 Section 1-05 of the City of Marshfield Municipal Code.

(f) Revocation shall not result in total or partial reimbursement of permit fees paid.

(g) Any sign on public property or within the public right-of-way must be approved by the Director of Public Works or the Board of Public Works.

(2.) Appeals. Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Plan Commission. The filing of such petition automatically stays removal of any non-temporary sign which is the subject of the appeal and which has been legally erected until the Plan Commission decides whether to sustain, modify, or reverse the decision of the Zoning Administrator.

(3.) Removal of Signs in Violation of this Chapter.

(a) If the Zoning Administrator determines that any sign exists in violation of this Chapter, the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation must be corrected within 60 days of receipt of said notice on penalty of automatic revocation of any sign permit, and that removal of the sign by the City may occur at the expense of the owner of the property.

(b) If notification is sent and the violation is not corrected within 60 days, the Zoning Administrator may revoke the permit for any sign which is in violation of this Chapter or approve a reasonable extension if the sign permit holder is unable to remove the sign within the required time. If sign is not removed after the extension, it shall be the duty of the Zoning Administrator to cause removal of such sign and may result in issuance of citations per Chapter 1 Section 1-05 of the City of Marshfield Municipal Code.

(c) The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the City Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll.

(d) Any sign illegally placed in a public right-of-way may be subject to immediate removal and confiscation without notice by the Zoning Administrator.

(e) Any temporary sign in violation of this chapter shall be notified of said violation by the Zoning Administrator. Said notification shall indicate that such violation must be corrected within a given timeframe. If not corrected by the required timeframe, removal of the sign by the City may occur at

the expense of the owner of the property, and failure to comply may result in issuance of citations per Chapter 1 Section 1-05 of the City of Marshfield Municipal Code.

(f) In the case of violations of this sign code that constitute an emergency situation as a result of safety or public concerns or violations that will create increased problems or costs if not corrected immediately, may be subject to immediate removal and confiscation without notice by the Zoning Administrator.

(4.) Vacant signs, buildings, structures or premises shall have the following effect:

(a) A sign is considered vacant after 90 days of a business being out of operation. After 90 days the owner of the property shall be responsible for properly removing any commercial sign, or blanking the commercial image associated with the business if the sign and structure is structurally sound, in good condition, and on private property. If any portion of a vacant freestanding sign falls within the public right-of-way, or the sign is structurally unsound, falling apart, or in poor condition, the Zoning Administrator may take steps to have the sign removed under Section 24-13(3).

(b) Signs addressing the sale or leasing of the facility in compliance with Section 24-06 are permitted; however, conversion of an existing sign or sign structure to a sale or leasing sign, where permitted, shall not affect the time provisions of this section. In addition, the owner may be responsible for restoring the facade of the building, structure or premises to its normal appearance.

(5.) Amendments to the Municipal Sign Code. The municipal sign code may be amended if errors or inconsistencies are found or if updates need to be made to accommodate the desires of the community. Amendments to the sign code require a Class 2 notice with a public hearing held before the Plan Commission. Any amendments to the sign code must be approved by the Common Council through the passage of an ordinance.

(CODE 1264, 11-12-2013)

Section 24-14. Fee schedule.

(1.) Fees shall be as stated in the City of Marshfield Fee Schedule, as established by the Common Council and shall be on file in the office of the City Clerk.

(CODE 1264, 11-12-2013, Ord No. 1324, 12/8/15)

Chapter 25

CONSTRUCTION SITE EROSION CONTROL
Article I. Construction Site Erosion Control

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CONSTRUCTION SITE EROSION CONTROL

Article I. Construction Site Erosion Control

Sec. 25-01. Authority.

(1) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 62.234 Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Common Council hereby designates the Director of Public Works or his designee to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

(ORD 1279, 5/13/14)

Sec. 25-02. Findings of Fact.

The Common Council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in City of Marshfield.

(ORD 1279, 5/13/14)

Sec. 25-03. Purpose.

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Marshfield.
(ORD 1279, 5/13/14)

Sec. 25-04. Applicability and Jurisdiction.

(1) APPLICABILITY.

(a) This ordinance applies to the following land disturbing construction activities except as provided under sub. (b):

1. Construction sites for which the Wisconsin Department of Natural Resources received a notice of intent in accordance with subch. III of ch. NR 216 on or after [reviser replace with date of adoption].

2. Construction sites for which a bid has been advertised or construction contract signed for which no bid was advertised, on or after [reviser replace with date of adoption].

(b) This ordinance does not apply to the following:

1. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.

2. Nonpoint discharges from agricultural facilities and practices.

3. Nonpoint discharges from silviculture activities.

4. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, in the opinion of the Director of Public Works or his designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION.

This ordinance applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the City of Marshfield.

(3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

(ORD 1279, 5/13/14)

Sec. 25-05. Definitions.

(1) "Administering authority" means a governmental employee, or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.

(2) "Agricultural facilities and practices " has the meaning in s. 281.16(1), Wis. Stats.

(3) "Average annual rainfall" means a typical calendar year of precipitation as determined by the department for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

(4) "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

(5) "Business day" means a day the office of the Director of Public Works or his designee is routinely and customarily open for business.

(6) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(7) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

(8) "Division of land" means the creation from one parcel, two or more parcels regardless of size where such creation occurs at one time or through the successive partition within a 5 year period.

(9) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(10) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction 25-09.

(11) “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

(12) “Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

(13) “Governing body” means Common Council of the City of Marshfield.

(14) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(15) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

(16) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(17) “Permit” means a written authorization made by the Director of Public Works or his designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(18) “Permit administration fee” means a sum of money paid to the Director of Public Works or his designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(19) “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.

(20) “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.

(21) “Responsible party” means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.

(22) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(23) “Sediment” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(24) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(a) Is designed or used for collecting water or conveying runoff.

(b) Is not part of a combined sewer system.

(c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

(d) Discharges directly or indirectly to waters of the state.

(25) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

(26) “Stop work order” means an order issued by the Director of Public Works or his designee which requires that all construction activity on the site be stopped.

(27) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(28) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

(29) “Waters of the state” has the meaning given in s. 283.01 (20), Wis. Stats.

(ORD 1279, 5/13/14)

Sec. 25-06. Technical Standards.

(1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:

(a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(b) For this ordinance, soil loss is calculated using the appropriate rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance. The following year and location has been selected as average annual rainfall: Green Bay, WI, 1969 (Mar 29 – Nov 25).

(2) OTHER STANDARDS. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Director of Public Works or his designee.

(ORD 1279, 5/13/14)

Sec. 25-07. Performance Standards for Construction Sites Under An Acre

(1) RESPONSIBLE PARTY. The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is the responsible party and shall comply with this section.

(2) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.

(a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

1. The deposition of soil from being tracked onto streets by vehicles.

2. The discharge of sediment from disturbed areas into on-site storm water inlets.

3. The discharge of sediment from disturbed areas into adjacent waters of the state.

4. The discharge of sediment from drainage ways that flow off the site.

5. The discharge of sediment by dewatering activities.

6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

7. The discharge of sediment from erosive flows at outlets and in downstream channels.

8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

(3) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

(a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

(b) Erosion and sediment control practices shall be maintained until final stabilization.

(c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(ORD 1279, 5/13/14)

Sec. 25-08. Performance Standards for Construction Sites of One Acre or More

(1) RESPONSIBLE PARTY. The responsible party shall implement an erosion and sediment control plan, developed in accordance with Sec. 25-10 that incorporates the requirements of this section.

(2) PLAN. A written plan shall be developed in accordance with Sec. 25-10 and implemented for each construction site.

(3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The plan required under sub. (2) shall include the following:

(a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

1. The deposition of soil from being tracked onto streets by vehicles.

2. The discharge of sediment from disturbed areas into on-site storm water inlets.

3. The discharge of sediment from disturbed areas into adjacent waters of the state.

4. The discharge of sediment from drainage ways that flow off the site.

5. The discharge of sediment by dewatering activities.

6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

7. The discharge of sediment from erosive flows at outlets and in downstream channels.

8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

3. Notwithstanding subd. 1), if BMPs cannot be designed and implemented to meet the sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) PREVENTIVE MEASURES. The plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

2. Minimization of soil compaction and preservation of topsoil.

3. Minimization of land disturbing construction activity on slopes of 20% or more.

4. Development of spill prevention and response procedures.

(4) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(5) ALTERNATE REQUIREMENTS. The Director of Public Works or his designee may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works or his designee determines that an added level of protection is needed for sensitive resources.

(ORD 1279, 5/13/14)

Sec. 25-09. Permitting Requirements, Procedures and Fees.

(1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Director of Public Works or his designee.

(2) PERMIT APPLICATION AND FEES. At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Sec. 25-09 and shall pay a non-refundable application fee as set by the Board of Public Works to the Director of Public Works or his designee. By submitting an application, the applicant is authorizing the Director of Public Works or his designee to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Director of Public Works or his designee shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(a) Within twenty (20) business days of the receipt of a complete permit application, as required by sub. (2), the Director of Public Works or his designee shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.

(b) If the permit application and plan are approved, the Director of Public Works or his designee shall issue the permit.

(c) If the permit application or plan is disapproved, the Director of Public Works or his designee shall state in writing the reasons for disapproval.

(d) The Director of Public Works or his designee may request additional information from the applicant. If additional information is submitted, the Director of Public Works or his designee shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

(e) Failure by the Director of Public Works or his designee to inform the permit applicant of a decision within thirty five (35) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(4) SURETY BOND. As a condition of approval and issuance of the permit, the Director of Public Works or his designee may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

(5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:

(a) Notify the Director of Public Works or his designee within 48 hours of commencing any land disturbing construction activity.

(b) Notify the Director of Public Works or his designee of completion of any BMPs within 14 days after their installation.

(c) Obtain permission in writing from the Director of Public Works or his designee prior to any modification pursuant to Sec. 25-10(3) of the erosion and sediment control plan.

(d) Install all BMPs as identified in the approved erosion and sediment control plan.

(e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

(f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.

(g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(h) Allow the Director of Public Works or his designee to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.

(6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Director of Public Works or his designee in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in Sec. 25-07 or Sec. 25-08.

(7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is

longer, from the date of issuance. The Director of Public Works or his designee may extend the period one or more times for up to an additional 180 days. The Director of Public Works or his designee may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

(8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

(ORD 1279, 5/13/14)

Sec. 25-10 Erosion and Sediment Control Plan, Statement, and Amendments.

(1) EROSION AND SEDIMENT CONTROL PLAN.

(a) An erosion and sediment control plan shall be prepared and submitted to the Director of Public Works or his designee.

(b) The erosion and sediment control plan shall be designed to meet the performance standards in Sec. 25-07, Sec. 25-08 and other requirements of this ordinance.

(c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

1. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

2. Description of the site and the nature of the construction activity.

3. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

5. Calculations to show compliance with the required performance standards.

6. Existing data describing the surface soil as well as subsoils.

7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.

8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.

2. Boundaries of the construction site.

3. Drainage patterns and approximate slopes anticipated after major grading activities.

4. Areas of soil disturbance.

5. Location of major structural and non-structural controls identified in the plan.

6. Location of areas where stabilization practices will be employed.

7. Areas which will be vegetated following construction.

8. Area and location of wetland acreage on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.

(e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a practice implementation schedule. The erosion control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless

otherwise specifically approved in writing by the Director of Public Works or his designee, structural measures shall be installed on upland soils.

3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.

4. Trapping of sediment in channelized flow.

5. Staging construction to limit bare areas subject to erosion.

6. Protection of downslope drainage inlets where they occur.

7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.

8. Clean up of off-site sediment deposits.

9. Proper disposal of building and waste material.

10. Stabilization of drainage ways.

11. Control of soil erosion from dirt stockpiles.

12. Installation of permanent stabilization practices as soon as possible after final grading.

13. Minimization of dust to the maximum extent practicable.

(f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(2) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under Sec. 25-04 (1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Director of Public Works or his designee. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

(3) AMENDMENTS. The applicant shall amend the plan if any of the following occur:

(a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.

(b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

(c) The Director of Public Works or his designee notifies the applicant of changes needed in the plan.

(ORD 1279, 5/13/14)

Sec. 25-11 Fee Schedule.

The fees referred to in other sections of this ordinance shall be established by the Board of Public Works on an Annual Basis. A schedule of the fees established by the Board of Public Works shall be available for review in the office of the City Engineer.

(ORD 1279, 5/13/14)

Sec. 25-12 Inspection.

If land disturbing construction activities are being carried out without a permit required by this ordinance, the Director of Public Works or his designee may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

(ORD 1279, 5/13/14)

Sec. 25-13 Enforcement.

(1) The Director of Public Works or his designee may post a stop-work order if any of the following occurs:

(a) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.

(b) The erosion and sediment control plan is not being implemented in a good faith manner.

(c) The conditions of the permit are not being met.

(2) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Director of Public Works or his designee may revoke the permit.

(3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Director of Public Works or his designee, or if a responsible party violates a stop-work order posted under sub. (1), the Director of Public Works or his designee may request the City attorney to obtain a cease and desist order in any court with jurisdiction.

(4) After posting a stop-work order under sub. (1), the Director of Public Works or his designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Director of Public Works or his designee may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Director of Public Works or his designee, plus interest at the rate authorized by Common Council shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

(5) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of billable damages plus a penalty as provided by Sec. 1-05 of the City of Marshfield Municipal Code, together with the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(6) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

(ORD 1279, 5/13/14)

Sec. 25-14. Appeals.

(1) Zoning Board of Appeals.

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works or his designee in administering this ordinance except for cease and desist orders obtained under Sec. 25-12 (3).

(b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Appeals to the Zoning Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Marshfield affected by any decision of the Director of Public Works or his designee.

(ORD 1279, 5/13/14)

Article II. Post-Construction Storm Water Management

Sec. 25-21. Authority.

(1) This ordinance is adopted by the Common Council under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in s. 62.234, Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Common Council hereby designates the Director of Public Works or his designee to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

(ORD 1279, 5/13/14)

Sec. 25-22. Findings of Fact.

The Common Council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loading.

(5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

(6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

(ORD 1279, 5/13/14)

Sec. 25-23. Purpose and Intent.

(1) PURPOSE. The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

(a) Further the maintenance of safe and healthful conditions.

(b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

(c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(2) INTENT. It is the intent of the City of Marshfield that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The City of Marshfield recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Common Council, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

(ORD 1279, 5/13/14)

Sec. 25-24. Applicability and Jurisdiction.

(1) APPLICABILITY.

(a) Where not otherwise limited by law, this ordinance applies after final stabilization to a site of land disturbing construction activity meeting any of the criteria in this paragraph, unless the site is otherwise exempt under paragraph (b).

A post construction site that had 1 or more acres of land disturbing construction activity.

A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.

A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.

Nonpoint discharges from agricultural facilities and practices.

Underground utility construction but not including the construction of any above ground structures associated with utility construction.

(c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the Director of Public Works or his designee, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION.

This ordinance applies to post construction sites within the boundaries and jurisdiction of the City of Marshfield.

EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

(ORD 1279, 5/13/14)

Sec. 25-25. Definitions.

(1) Administering authority" means a governmental employee, or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.

(2) "Agricultural facilities and practices" has the meaning given in s. 281.16, Wis. Stats.

(3) “Average annual rainfall” means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

(4) “Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

(5) “Business day” means a day the office of the Director of Public Works or his designee is routinely and customarily open for business.

(6) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(7) “Combined sewer system” means a system for conveying both sanitary sewage and storm water runoff.

(8) “Connected imperviousness" means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

(9) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

(10) “Development” means residential, commercial, industrial or institutional land uses and associated roads.

(11) “Division of land” means the creation from one parcel of two or more parcels or building sites of two or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5 year period.

(12) “Effective infiltration area” means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

(13) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

(14) "Exceptional resource waters" means waters listed in s. NR 102.11, Wis. Adm. Code.

(15) “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

(16) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

(17) “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Director of Public Works or his

designee by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

(18) “Governing body” means Common Council of the City of Marshfield.

(19) “Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.

(20) “In-fill area” means an undeveloped area of land located within existing development.

(21) “Infiltration” means the entry of precipitation or runoff into or through the soil.

(22) “Infiltration system” means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

(23) “Karst feature” means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

(24) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(25) “Maintenance agreement” means a legal document that provides for long-term maintenance of storm water management practices.

(26) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

(27) “New development” means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(28) “Off-site” means located outside the property boundary described in the permit application.

(29) “On-site” means located within the property boundary described in the permit application.

(30) "Ordinary high-water mark" has the meaning given in s. NR 115.03(6), Wis. Adm. Code.

(31) “Outstanding resource waters” means waters listed in s. NR 102.10, Wis. Adm. Code.

(32) “Percent fines” means the percentage of a given sample of soil, which passes through a # 200 sieve.

(33) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(34) “Permit” means a written authorization made by the Director of Public Works or his designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(35) “Permit administration fee” means a sum of money paid to the Director of Public Works or his designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(36) “Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(37) “Pollutant” has the meaning given in s. 283.01(13), Wis. Stats.

(38) “Pollution” has the meaning given in s. 281.01(10), Wis. Stats.

(39) “Post-construction site" means a construction site following the completion of land disturbing construction activity and final site stabilization.

(40) “Pre-development condition” means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(41) “Preventive action limit” has the meaning given in s. NR 140.05(17), Wis. Adm. Code.

(42) "Redevelopment” means areas where development is replacing older development.

(43) “Responsible party” means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.

(44) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(45) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(a) Is designed or used for collecting water or conveying runoff.

(b) Is not part of a combined sewer system.

(c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

(d) Discharges directly or indirectly to waters of the state.

(46) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

(47) “Stop work order” means an order issued by the Director of Public Works or his designee which requires that all construction activity on the site be stopped.

(48) “Storm water management plan” means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has under gone final stabilization following completion of the construction activity.

(49) “Storm water management system plan” is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

(50) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(51) “Top of the channel” means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

(52) “TR-55” means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

(53) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

(54) “Waters of the state” has the meaning given in s. 283.01 (20), Wis. Stats.

(ORD 1279, 5/13/14)

Sec. 25-26. Technical Standards.

The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of storm water practices needed to meet the water quality standards of this ordinance:

(1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Director of Public Works or his designee.

(3) In this ordinance, the following year and location has been selected as average annual rainfall: Green Bay, 1969 (Mar. 29-Nov. 25).

(ORD 1279, 5/13/14)

Sec. 25-27. Performance Standards.

(1) RESPONSIBLE PARTY. The landowner of the post-construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain post-construction storm water BMPs is the responsible party and shall comply with this ordinance.

(2) PLAN. A written storm water management plan in accordance with Sec. 25-29 shall be developed and implemented for each post-construction site.

(3) REQUIREMENTS. The plan required under sub. (2) shall include the following:

(a) TOTAL SUSPENDED SOLIDS. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

1. BMPs shall be designed in accordance with Table 1., or to the maximum extent practicable as provided in sub. (3). The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards	
Development Type	**TSS Reduction**
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

2. MAXIMUM EXTENT PRACTICABLE. If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total

suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable. No person shall be required to exceed the applicable total suspended solids reduction performance standard to meet the requirements of maximum extent practicable.

3. OFF-SITE DRAINAGE. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) PEAK DISCHARGE.

1. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour , 2-year, 24-hour, 10-year, 24-hour, 25-year, 24-hour, 50-year, 24-hour and the 100-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour , 2-year, 24-hour, 10-year, 24-hour, 25-year, 24-hour, 50-year, 24-hour and the 100-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2. Shall be used to represent the actual pre-development conditions

Table 2 – Maximum Pre-Development Runoff Curve Numbers				
Pre-development condition	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

2. This subsection of the ordinance does not apply to any of the following:

a. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.

b. A redevelopment post-construction site.

c. An in-fill development area less than 5 acres.

(c) INFILTRATION.

1. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:

a. *Low imperviousness*. For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.

b. Moderate imperviousness. For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1 percent of the post-construction site is required as an effective infiltration area.

c. High imperviousness. For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.

2. Pre-development. Pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.

3. Source areas.

a.Prohibitions. Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions of Wisconsin Department of Natural Resources groundwater standards in NR151.124(6):

i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.

ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR 215.21(2)(b).

iii. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

b.Exemptions. Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

i. Parking areas and access roads less than 5,000 square feet for commercial development.

ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a. of this ordinance.

iii. In-fill development areas less than 5 acres

iv. Roads on commercial, industrial and institutional land uses, and arterial residential roads.

4. Location of Practices.

a. *Prohibitions*. Infiltration practices may not be located in the following areas:

i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.

ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.

iii. Areas where contaminants of concern, as defined in s. NR 720.03(2), are present in the soil through which infiltration will occur.

b. *Separation distances.*

i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

Table 3. Separation Distances and Soil Characteristics		
Source Area	**Separation Distance**	**Soil Characteristics**

Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815 shall be followed.

c. *Infiltration rate exemptions*. Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:

i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.

ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U. S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

5. Alternate Use. Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

6. Groundwater Standards.

a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

b. Notwithstanding par. a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

7. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. 6. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

8. Maximum Extent Practicable. Where the conditions of subs. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of s. NR 151.124 shall be met to the maximum extent practicable.

(d) PROTECTIVE AREAS

1. Definition. In this section, "protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, "protective area' does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.

a. For outstanding resource waters and exceptional resource waters, 75 feet.

b. For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

c. For lakes, 50 feet.

d. For wetlands not subject to par. e. or f., 50 feet.

e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.

f. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.

g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.

h. Wetland boundary delineation shall be made in accordance with current Wisconsin Department of Natural Resources procedures. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

2. Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to sub 4.

3. Requirements. The following requirements shall be met:

a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.

b. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.

c. Best management practice such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.

4. Exemptions. This section does not apply to any of the following:

a. In-fill development areas less than 5 acres.

b. Structures that cross or access surface water such as boat landings, bridges, and culverts.

c. Structures constructed in accordance with s. 59.692(1v), Stats.

d. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

(e) FUELING AND VEHICLE MAINTENANCE AREAS. Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable

(f) SWALE TREATMENT FOR TRANSPORTATION FACILITIES.

1. Requirement. Except as provided in sub 2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:

a. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

b. Swales shall comply with the Wisconsin Department of Natural Resources technical standard 1005 “Vegetated Infiltration Swales”, dated May 2007, or a superseding document.

2. Other requirements.

a. Notwithstanding sub 1., the Director of Public Works or his designee may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is an of the following:

i. An outstanding resource water.

ii. An exceptional resource water.

iii. Waters listed in section 303 (d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.

iv. Water where targeted performance standards are developed pursuant to s. NR 151.004.

b. The transportation facility authority shall contact the Director of Public Works or his designee to determine if additional BMPs beyond a water quality swale are needed under this subsection.

(4) GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORM WATER MANAGEMENT MEASURES. The following considerations shall be observed in managing runoff:

(a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

(b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(5) LOCATION AND REGIONAL TREATMENT OPTION.

(a) The BMPs may be located on-site or off-site as part of a regional storm water device, practice or system.

(b) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.

(c) Except as allowed under par. (d), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.

(d) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:

1. The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under ch. 30, Stats., or the BMP did not require a ch. 30, Wis. Stats., permit; and

2. The BMP is designed to provide runoff treatment from future upland development.

(e) Runoff from existing development, redevelopment and in-fill areas shall meet the post-

construction performance standards in accordance with this paragraph.

1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

2. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as ch. NR 103, Wis. Adm. Code and ch. 30, Wis. Stats.

(f) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

(g) The Director of Public Works or his designee may approve off-site management measures provided that all of the following conditions are met:

1. The Director of Public Works or his designee determines that the post-construction runoff is covered by a storm water management system plan that is approved by the City of Marshfield and that contains management requirements consistent with the purpose and intent of this ordinance.

2. The off-site facility meets all of the following conditions:

a. The facility is in place.

b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(h) Where a regional treatment option exists such that the Director of Public Works or his designee exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Director of Public Works or his designee. In determining the fee for post-construction runoff, the Director of Public Works or his designee shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) ALTERNATE REQUIREMENTS. The Director of Public Works or his designee may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works or his designee determines that an added level of protection is needed to protect sensitive resources.

(7) MAINTENANCE OF EFFORT: For redevelopment sites where the redevelopment will

be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall maintain the existing level of control for TSS, infiltration and peak flow reduction, or meet the redevelopment standards of ss. NR 151.122 to 151.125, whichever is more stringent.

(ORD 1279, 5/13/14)

Sec. 25-28. Permitting Requirements, Procedures and Fees.

(1) PERMIT REQUIRED. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Director of Public Works or his designee prior to commencing the proposed activity.

(2) PERMIT APPLICATION AND FEES. Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Director of Public Works or his designee a permit application made on a form provided by the Director of Public Works or his designee for that purpose.

(a) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.

(b) The storm water management plan shall be prepared to meet the requirements of Sec.25-27 and 25-29, the maintenance agreement shall be prepared to meet the requirements of Sec.25-30, the financial guarantee shall meet the requirements of Sec.25-31, and fees shall be those established by the Common Council as set forth in Sec. 25-32.

(3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Director of Public Works or his designee shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(a) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by sub. (2), the Director of Public Works or his designee shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

(b) If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Director of Public Works or his designee shall issue the permit.

(c) If the storm water permit application, plan or maintenance agreement is disapproved, the Director of Public Works or his designee shall detail in writing the reasons for disapproval.

(d) The Director of Public Works or his designee may request additional information from the applicant. If additional information is submitted, the Director of Public Works or his

designee shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

(e) Failure by the Director of Public Works or his designee to inform the permit applicant of a decision within thirty five (35) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(3) PERMIT REQUIREMENTS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Director of Public Works or his designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Public Works or his designee to suspend or revoke this permit may be appealed in accordance with Sec. 25-34.

(a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.

(b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.

(c) The responsible party shall notify the Director of Public Works or his designee at least three (3) business days before commencing any work in conjunction with the storm water management plan, and within three (3) business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Director of Public Works or his designee so that practice installations can be inspected during construction.

(d) Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Director of Public Works or his designee or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Director of Public Works or his designee or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

(e) The responsible party shall notify the Director of Public Works or his designee of any significant modifications it intends to make to an approved storm water management plan. The Director of Public Works or his designee may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.

(f) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Common Council, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(g) The responsible party authorizes the Director of Public Works or his designee to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Sec. 25-31.

(h) If so directed by the Director of Public Works or his designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.

(i) The responsible party shall permit property access to the Director of Public Works or his designee or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.

(j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Director of Public Works or his designee may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(k) The responsible party is subject to the enforcement actions and penalties detailed in Sec. 25-33, if the responsible party fails to comply with the terms of this permit.

(5) PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by Director of Public Works or his designee in addition to the requirements needed to meet the performance standards in Sec. 25-27 or a financial guarantee as provided for in Sec. 25-31.

(6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Director of Public Works or his designee notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d).

(ORD 1279, 5/13/14)

Sec. 25-29 Storm Water Management Plan.

(1) PLAN REQUIREMENTS. The storm water management plan required under Sec. 25-28 (2) shall contain at a minimum the following information:

(a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.

(b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(c) Pre-development site conditions, including:

1. One or more site maps at a scale of not less than 1 inch equals 50 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 2 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.

2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(d) Post-development site conditions, including:

1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.

3. One or more site maps at a scale of not less than 1 inch equals 50 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 2 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the

maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

5. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

(e) A description and installation schedule for the storm water management practices needed to meet the performance standards in Sec. 25-27.

(f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.

(g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.

(h) Other information requested in writing by the Director of Public Works or his designee to determine compliance of the proposed storm water management measures with the provisions of this ordinance.

(i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

(2) ALTERNATE REQUIREMENTS. The Director of Public Works or his designee may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Sec. 25-27 (5).

(ORD 1279, 5/13/14)

Sec. 25-30. Maintenance Agreement.

(1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required under Sec.25-30 (2) for storm water management practices shall be an agreement between the Director of Public Works or his designee and the responsible party to provide for maintenance of

storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

(2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Sec. 25-29(1)(f):

(a) Identification of the storm water facilities and designation of the drainage area served by the facilities.

(b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Sec. 25-28 (2).

(c) Identification of the responsible party(s) responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Sec. 25-28 (2).

(d) Requirement that the responsible party(s) shall maintain storm water management practices in accordance with the schedule included in par. (b).

(e) Authorization for the Director of Public Works or his designee to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(f) A requirement on the Director of Public Works or his designee to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.

(g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Director of Public Works or his designee of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Director of Public Works or his designee.

(h) Authorization of the Director of Public Works or his designee to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The City Clerk shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

(ORD 1279, 5/13/14)

Sec. 25-31. Financial Guarantee.

(1) ESTABLISHMENT OF THE GUARANTEE. The Director of Public Works or his designee may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Director of Public Works or his designee. The financial guarantee shall be in an amount determined by the Director of Public Works or his designee to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Director of Public Works or his designee the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the Director of Public Works or his designee that the requirements of this ordinance have not been met.

(2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:

(a) The Director of Public Works or his designee shall release the portion of the financial guarantee established under this section, less any costs incurred by the Director of Public Works or his designee to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Director of Public Works or his designee may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(b) The Director of Public Works or his designee shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the Director of Public Works or his designee, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(ORD 1279, 5/13/14)

Sec. 25-32. Fee Schedule.

The fees referred to in other sections of this ordinance shall be established by the Board of Public Works on an annual basis. A schedule of the fees established by the Board of Public Works shall be available for review in office of the City Engineer.

(ORD 1279, 5/13/14)

Sec. 25-33. Enforcement.

(1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(2) The Director of Public Works or his designee shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction

runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(3) Upon receipt of written notification from the Director of Public Works or his designee under sub. (2), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works or his designee in the notice.

(4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Director of Public Works or his designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Director of Public Works or his designee plus interest and legal costs shall be billed to the responsible party.

(5) The Director of Public Works or his designee is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.

(6) The Director of Public Works or his designee may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works or his designee or by a court with jurisdiction.

(8) The Director of Public Works or his designee is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.

(9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of billable damages plus a penalty as provided in Sec. 1-05 of the City of Marshfield Municipal Code, together with the costs of prosecution for each violation. Each day that the violation exists shall constitute a separate offense.

(10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

(11) When the Director of Public Works or his designee determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Director of Public Works or his designee or a party designated by the Director of Public Works or his designee may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Public Works or his designee shall keep a detailed

accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Sec. 25-31 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed. In the event the responsible party fails to pay the amount due, the City Clerk shall enter the amount due in the tax rolls and collect as a special assessment against the property pursuant to subchapter VII of ch. 66, Wis Statutes.

(ORD 1279, 5/13/14)

Sec. 25-34. Appeals.

(1) Zoning Board of Appeals. The Zoning Board of Appeals of the City of Marshfield ordinances pursuant to s. 62.23(7)(e), Wis. Stats, shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works or his designee in administering this ordinance. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(2) WHO MAY APPEAL. Appeals to the Zoning Board of Appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the City of Marshfield affected by any decision of the Director of Public Works or his designee.

(ORD 1279, 5/13/14)

Chapter 26

FLOODPLAIN ORDINANCE

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Article I. In General

Sec. 26-01. Statutory Authorization, Finding of Fact, Statement of Purpose, and Title

(1) *Statutory Authorization*. This ordinance is adopted pursuant to the authorization in ss. 62.23, for cities; and the requirements in s. 87.30, Stats.

(2) *Finding of Fact*. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(3) *Statement of Purpose*. This ordinance is intended to regulate floodplain development to:

(a) Protect life, health and property;

(b) Minimize expenditures of public funds for flood control projects;

(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(d) Minimize business interruptions and other economic disruptions;

(e) Minimize damage to public facilities in the floodplain;

(f) Minimize the occurrence of future flood blight areas in the floodplain;

(g) Discourage the victimization of unwary land and homebuyers;

(h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) *Title*. This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Marshfield, Wisconsin.

(Ord. No. 1169, § 1, 1-12-2010)

Sec. 26-02. General Provisions

(1) *Areas to be regulated*. This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(2) *Official Maps & Revisions*. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Marshfield Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non- FEMA maps shall be effective until approved by the DNR. These maps and revisions are on filens are on file in the office of the Planning and Economic

Development Department, City of Marshfield. If more than one map or revision is referenced, the most restrictive information shall apply.

Official maps: Based on the FIS:

(a) Wood County Flood Insurance Rate Map (FIRM), panel numbers 55141C0040G, 55141C0045G, 55141C0065G, dated February 17, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated February 17, 2010, volume 55141CV000A;

(b) Marathon County Flood Insurance Rate Map (FIRM), panel numbers 55073C0780F, 55073C0785F, 55073C0795F, dated July 22, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated July 22, 2010, volume 55073CV000A;

(3) *Establishment of Districts*. The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

(b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.

(c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(4) *Locating floodplain boundaries.* Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to Sec. 26-10. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to Sec. 26-09 (7) (c) and the criteria in (a) and (b) below.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Sec. 26-10 (1) (f).

(5) *Removal of lands from floodplain*. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Sec. 26-10.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(6) *Compliance*. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) *Municipalities and state agencies regulated*. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State

agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s.30.2022, Stats., applies.

(8) *Abrogation and greater restrictions*.

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s.62.23 for cities; or s.87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) *Interpretation*. In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) *Warning and disclaimer of liability*. The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) *Severability*. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) *Annexed areas for cities*. The Wood County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch.NR116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(13) *General development standards*. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

(Ord. No. 1169, § 1, 1-12-2010; Ord. No. 1180, § 1, 6-8-2010)

Sec. 26-03. General standards applicable to all floodplain districts

(1) *Hydraulic and hydrologic analyses*.

(a) Except as allowed in par. (c) below, no floodplain development shall:

1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

2. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (c) are met.

(c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Sec. 26-10.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

(2) *Watercourse alterations*. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(3) *Chapter 30, 31, Wis. Stats., development*. Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Sec. 26-10.

(4) *Public or private campgrounds*. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(a) The campground is approved by the Department of Health Services.

(b) A land use permit for the campground is issued by the zoning administrator.

(c) The character of the river system and the elevation of the campground is such that a 72- hour warning of an impending flood can be given to all campground occupants.

(d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

(e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (d) - to remain in compliance with all

applicable regulations, including those of the state Department of Health Services and all other applicable regulations.

(f) Only camping units are allowed.

(g) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.

(h) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

(i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

(j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Sec. 26-04 or Sec. 26-05 for the floodplain district in which the structure is located.

(k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

(l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(Ord. No. 1169, § 1, 1-12-2010)

Sec. 26-04. Floodway district (FW)

(1) *Applicability*. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Sec. 26-07.

(2) *Permitted uses*. The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if they are not prohibited by any other ordinance; they meet the standards in Sec. 26-04 (3); and all permits or certificates have been issued according to Sec. 26-09 (2).

(a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Sec. 26-04 (3) (d).

(d) Uses or structures accessory to open space uses, or classified as historic structures that comply with Sec. 26-04 (3).

(e) Extraction of sand, gravel or other materials that comply with Sec. 26-04 (3) (d).

(f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.

(g) Public utilities, streets and bridges that comply with Sec. 26-04 (3) (c).

(3) *Standards for developments in floodway areas*.

(a) *General*.

1. Any development in floodway areas shall comply with Sec. 26-03 and have a low flood damage potential.

2. Applicants shall provide the following data to determine the effects of the proposal according to Sec. 26-03 (1):

a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

b. An analysis calculating the effects of this proposal on regional flood height.

3. The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. 2. above.

(b) *Structures*. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

1. The structure is not designed for human habitation and does not have a high flood damage potential.

2. It must be anchored to resist flotation, collapse, and lateral movement;

3. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

4. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(c) *Public utilities, streets and bridges.* Public utilities, streets and bridges may be allowed by permit, if:

1. Adequate floodproofing measures are provided to the flood protection elevation; and

2. Construction meets the development standards of Sec. 26-03 (1).

(d) *Fills or deposition of materials*. Fills or deposition of materials may be allowed by permit, if:

1. The requirements of Sec. 26-03 (1) are met;

2. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;

3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

4. The fill is not classified as a solid or hazardous material.

(e) *Prohibited uses*. All uses not listed as permitted uses in Sec. 26-04 (2) are prohibited, including the following uses:

1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;

5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs.NR 811 and NR 812, Wis. Adm. Code;

6. Any solid or hazardous waste disposal sites;

7. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;

8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(Ord. No. 1169, § 1, 1-12-2010; Ord. No. 1220, § 1, 2-28-2012)

Sec. 26-05. Floodfringe district (FF)

(1) *Applicability*. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Sec. 26-07.

(2) *Permitted uses*. Any structure, land use, or development is allowed in the floodfringe district if the standards in Sec. 26-05 (3) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Sec. 26-09 (2) have been issued.

(3) *Standards for development in floodfringe areas*. Sec. 26-03 (1) shall apply in addition to the following requirements according to the use requested.

(a) *Residential uses*. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

1. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;

2. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

3. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. 4.

4. In developments where existing street or sewer line elevations make compliance with par. 3. impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:

   a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

   b. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(b) *Accessory structures or uses*.

1. Except as provided in par. 2. an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.

2. An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than $10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Secs. 26-04 (3) (b) and Sec. 26-05 (3) (e) below.

(c) *Commercial uses*. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of Sec. 26-05 (3) (a). Subject to the requirements of Sec. 26-05 (3) (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(d) *Manufacturing and industrial uses*. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in Sec. 26-09 (9). Subject to the requirements of Sec. 26-05 (3) (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) *Storage of materials*. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Sec. 26-09 (9). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) *Public utilities, streets and bridges*. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Sec. 26-09 (9) to the flood protection elevation;

2. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(g) *Sewage* systems. All on-site sewage disposal systems shall be floodproofed, pursuant to Sec. 26-09 (9), to the flood protection elevation and shall meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(h) *Wells*. All wells shall be floodproofed, pursuant to Sec. 26-09 (9), to the flood protection elevation and shall meet the provisions of chs.NR811 and NR812, Wis. Adm. Code.

(i) *Solid waste disposal sites*. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) *Deposition of materials*. Any deposited material must meet all the provisions of this ordinance.

(k) *Manufactured homes.*

1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

   a. have the lowest floor elevated to the flood protection elevation; and

   b. be anchored so they do not float, collapse or move laterally during a flood

3. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Sec. 26-05 (3) (a).

(l) *Mobile recreational vehicles*. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Sec. 26-05 (3) (k) 2. and 3. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(Ord. No. 1169, § 1, 1-12-2010; Ord. No. 1220, § 1, 2-28-2012)

Sec. 26-06. General floodplain district (GFP)

(1) *Applicability*. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

(2) *Permitted uses*. Pursuant to Sec. 26-07, it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway Sec. 26-04 (2) and floodfringe areas Sec. 26-05 (2) are allowed within the general floodplain district, according to the standards of Sec. 26-06 (3), provided that all permits or certificates required under Sec. 26-09 (2) have been issued.

(3) *Standards for development in the general floodplain district.* Sec. 26-04 applies to floodway areas, Sec. 26-05 applies to floodfringe areas. The rest of this ordinance applies to either district.

(Ord. No. 1169, § 1, 1-12-2010)

Sec. 26-07. Determining floodway and floodfringe limits

(1) *Upon receiving an application for development within the general floodplain district, the zoning administrator shall*:

(a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;

(b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

1. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

3. Profile showing the slope of the bottom of the channel or flow line of the stream;

4. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(c) Transmit one copy of the information described in pars. (a) and (b) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Sec. 26-09 (3) (c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(Ord. No. 1169, § 1, 1-12-2010)

Sec. 26-08. Nonconforming uses.

(1) *General*.

(a) *Applicability*. If these standards conform with s.62.23(7)(h), Stats., for cities, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

1. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public

utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

2. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

3. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

4. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

5. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 26-05 (3) (a). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

6. Except as provided in subd. a., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

   a. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

7. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Sec. 26-04 (3) (a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 26-09 (9) are used.

(2) *Floodway areas*.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

1. Has been granted a permit or variance which meets all ordinance requirements;

2. Meets the requirements of Sec. 26-08 (1);

3. Will not increase the obstruction to flood flows or regional flood height;

4. Any addition to the existing structure shall be floodproofed, pursuant to Sec. 26-09 (9), by means other than the use of fill, to the flood protection elevation;

5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

   a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

   b. The parts of the foundation located below the flood protection

   c. elevation must be constructed of flood-resistant materials;

   d. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

   e. The use must be limited to parking or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. SPS 383, Wis. Adm. Code.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

(3) *Floodfringe areas*.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Sec. 26-05 (3), except where Sec. 26-08 (3) (b) is applicable.

(b) Where compliance with the provisions of par. (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Sec. 26-09 (7), may grant a variance from those provisions of par. (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

   1. No floor is allowed below the regional flood elevation for residential or commercial structures;

   2. Human lives are not endangered;

   3. Public facilities, such as water or sewer, will not be installed;

   4. Flood depths will not exceed two feet;

   5. Flood velocities will not exceed two feet per second; and

   6. The structure will not be used for storage of materials as described in Sec. 26-05 (3) (e).

(c) If neither the provisions of pars. (a) or (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:

1. Meets all other regulations and will be granted by permit or variance;

2. Does not exceed 60 square feet in area; and

3. In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.

(d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

(Ord. No. 1169, § 1, 1-12-2010)

Sec. 26-09. Administration

(1) *Administration*. Where a zoning administrator, planning agency or a board of appeals has already been appointed to administer a zoning ordinance adopted under ss. 62.23(7), Stats., these officials shall also administer this ordinance.

(2) *Zoning administrator*. The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

(a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(b) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.

(c) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

(d) Keep records of all official actions such as:

1. All permits issued, inspections made, and work approved;

2. Documentation of certified lowest floor and regional flood elevations for floodplain development;

3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

4. All substantial damage assessment reports for floodplain structures.

(e) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

2. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the city Plan Commission and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(3) *Land use permit*. A land use permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) *General Information*.

1. Name and address of the applicant, property owner and contractor;

2. Legal description, proposed use, and whether it is new construction or a modification;

(b) *Side development plan*. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;

2. Location of the ordinary highwater mark of any abutting navigable waterways;

3. Location of any structures with distances measured from the lot lines and street center lines;

4. Location of any existing or proposed on-site sewage systems or private water supply systems;

5. Location and elevation of existing or future access roads;

6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Sec. 26-04 or Sec. 26-05 are met; and

9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Stat. 26-03 (1). This may include any of the information noted in Sec. 26-04 (3) (a).

(c) *Data requirements to analyze developments*.

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds $125,000. The applicant shall provide:

a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

b. A map showing location and details of vehicular access to lands outside the floodplain; and

c. A surface drainage plan showing how flood damage will be minimized. The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(d) *Expiration*. All permits issued under the authority of this ordinance shall expire 180 days after issuance.

(4) *Certificate of compliance*. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(b) Application for such certificate shall be concurrent with the application for a permit;

(c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

(d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of Sec. 26-09 (9).

(5) *Other permits*. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(6) *Zoning agency*.

(a) The City of Marshfield Plan Commission shall be considered the zoning agency for this ordinance and shall:

1. oversee the functions of the office of the zoning administrator; and

2. review and advise the City of Marshfield Common Council on all proposed amendments to this ordinance, maps and text.

(b) This zoning agency shall not:

1. grant variances to the terms of the ordinance in place of action by the Board of Appeals; or

2. amend the text or zoning maps in place of official action by the Governing body.

(7) *Board of appeals*. The Board of Appeals, created under s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(a) *Powers and duties*. The Board of Appeals shall:

1. Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

2. Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

3. Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(b) *Appeals to the board*.

1. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

2. Notice and hearing for appeals including variances.

   a. Notice - The board shall:

      Fix a reasonable time for the hearing;

      Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;

      Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

   b. Hearing - Any party may appear in person or by agent. The board shall:

      Resolve boundary disputes according to Sec. 26-09 (7) (c).

      Decide variance applications according to Sec. 26-09 (7) (d).

      Decide appeals of permit denials according to Sec. 26-09 (8).

3. Decision: The final decision regarding the appeal or variance application shall:

   b. Be sent to the Department Regional office within 10 days of the decision;

   c. Be a written determination signed by the chairman or secretary of the Board;

   d. State the specific facts which are the basis for the Board's decision;

   e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;

   f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) *Boundary disputes*. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

2. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

3. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Sec. 26-10.

(d) *Variance*.

1. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

   a. Literal enforcement of the ordinance provisions will cause unnecessary hardship;

   b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

   c. The variance is not contrary to the public interest; and

   d. The variance is consistent with the purpose of this ordinance in Sec. 26-01 (3).

2. In addition to the criteria in par. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:

   a. The variance may not cause any increase in the regional flood elevation;

   b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;

   c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

3. A variance shall not:

   a. Grant, extend or increase any use prohibited in the zoning district.

   b. Be granted for a hardship based solely on an economic gain or loss.

   c. Be granted for a hardship which is self-created.

   d. Damage the rights or property values of other persons in the area.

   e. Allow actions without the amendments to this ordinance or map(s) required in Sec. 26-10 (1).

   f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

4. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

(8) *To review appeals of permit denials*.

(a) The Plan Commission Sec. 26-09 (6) shall review all data related to the appeal. This may include:

1. Permit application data listed in Sec. 26-09 (3).

2. Floodway/floodfringe determination data in Sec. 26-07.

3. Data listed in Sec. 26-04 (3) (a) 2. where the applicant has not submitted this information to the zoning administrator.

4. Other data submitted with the application, or submitted to the Board with the appeal.

(b) For appeals of all denied permits the Board shall:

1. Follow the procedures of Sec. 26-09 (7);

2. Consider Plan Commission recommendations; and

3. Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation the Board shall:

1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(9) *Floodproofing*.

(a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

(b) Floodproofing measures shall be designed to:

1. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

2. Protect structures to the flood protection elevation;

3. Anchor structures to foundations to resist flotation and lateral movement; and

4. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

(c) Floodproofing measures could include:

1. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or

2. Adding mass or weight to prevent flotation.

3. Placing essential utilities above the flood protection elevation.

4. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

5. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.

6. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(10) *Public information*.

(a) Place marks on structures to show the depth of inundation during the regional flood.

(b) All maps, engineering data and regulations shall be available and widely distributed.

(c) All real estate transfers should show what floodplain zoning district any real property is in.

(Ord. No. 1169, § 1, 1-12-2010)

Sec. 26-10. Amendments

(1) *General*. The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

(a) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.

(b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.

(c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

(d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.

(e) Any upgrade to a floodplain zoning ordinance text required by s.NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.

(f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site -

(2) *Procedures*. Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats. Such petitions shall include all necessary data required by Sec. 26-07 and Sec. 26-09 (3).

(a) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be

submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.

(b) No amendments shall become effective until reviewed and approved by the Department.

(c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

(d) For amendments in areas with no water surface profiles, the Plan Commission shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See Sec. 26-02 (4).)

(Ord. No. 1169, § 1, 1-12-2010)

Sec. 26-11. Enforcement and penalties

(1) *Enforcement and penalties*. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $10 and not more than $50, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats

(Ord. No. 1169, § 1, 1-12-2010; Ord. No. 1180, § 1, 6-8-2010)

Sec. 26-12. Definitions

(1) *Definitions*. Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

A Zones means those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory structure or use means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement means any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

Building. See STRUCTURE.

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited

filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Campground means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

Camping unit means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, tent or other mobile recreational vehicle.

Certificate of compliance means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Crawlways or Crawl space means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

Deck means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Department means the Wisconsin Department of Natural Resources.

Development means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Dryland access means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Encroachment means any fill, structure, equipment, building, use or development in the floodway.

Existing manufactured home park or subdivision means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Expansion to existing mobile/manufactured home park means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

a. The overflow or rise of inland waters,

b. The rapid accumulation or runoff of surface waters from any source,

c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or

d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

Floodfringe means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Flood hazard boundary map means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

Flood insurance study means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain island means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Flood profile means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Floodproofing means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood protection elevation means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

Flood storage means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Freeboard means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Habitable structure means any structure or portion thereof used or designed for human habitation.

Hearing notice means a publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

High flood damage potential means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic structure means any structure that is either:

a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

Increase in regional flood height means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Land use means any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Mobile recreational vehicle means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

Municipality or Municipal means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

NAVD or NORTH AMERICAN VERTICAL DATUM means elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or National Geodetic Vertical Datum means elevations referenced to mean sea level datum, 1929 adjustment.

New construction means for floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming structure means an existing lawful structure or building which is not inconformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming use means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

Obstruction to flow means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official floodplain zoning map means that map, adopted and made part of this ordinance, as described in Sec. 26-02 (2), which has been approved by the Department and FEMA.

Open space use means those uses having a relatively low flood damage potential and not involving structures.

Ordinary highwater mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Person means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Private sewage system means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Public utilities means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Reasonably safe from flooding means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Regional flood means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Subdivision means the definition given in s. 236.02(12), Wis. Stats.

Substantial damage means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Unnecessary hardship means where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Variance means an authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

Violation means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Watershed means the entire region contributing runoff or surface water to a watercourse or body of water.

Water surface profile means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Ord. No. 1169, § 1, 1-12-2010)

Chapter 30

OFFICIAL MASTER STREET MAP

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Sec. 30-01. Official master street map.

The map entitled "Master Street Plan of the City of Marshfield, Wood County, Wisconsin," as established and maintained on June 1, 2001, together with all amendments thereto to date, as shown thereon at the time of the adoption of the ordinance from which this chapter derives, is hereby adopted and reestablished for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness and general welfare of the community; to further the orderly layout and use of the land; to stabilize the location of real property boundary lines; to ensure proper legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, and stormwater drainage; and to facilitate the further subdivision of larger tracts into smaller parcels of land pursuant to § 62.23(6) Wis. Stats. The official master street map shall be maintained by the director of public works or his designee, and shall show the location and extent of all platted and existing streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks and playgrounds within the corporate limits of the City of Marshfield as heretofore laid out, adopted and established by law. All notations, references and other information shown thereon shall be deemed a part of this chapter as though the matters and information thereon were fully described in this chapter.

(Code 1982, § 26.01)

Sec. 30-02. Changes and additions.

(1) The council may, by resolution or motion, change or add to the official map so as to establish the exterior lines of; widen; narrow, extend; or close any platted, existing, proposed or planned streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds.

(2) The council shall refer any change or addition to the official map to the city plan commission for review and report thereon prior to adoption. The city plan commission shall report its recommendations to the council within 60 days, or such recommendation may be waived by the council.

(3) A public hearing of parties in interest and citizens before the council shall be required before any changes or additions to the official map are effective. At least 20 days' notice of such hearing shall be required by publication as a class 2 notice pursuant to § 985.07 Wis. Stats.

(4) Changes and additions made by duly approved subdivision plats shall not require a public hearing if the changes or additions do not affect any land outside the area being platted.

(Code 1982, § 26.04)

Sec. 30-03. Building permits.

(1) For the purpose of the integrity of the official map, no building permit shall be issued for any structure or part thereof that shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered which may impact features reflected on the master street map.

(2) The building services supervisor may require each applicant for a building permit to submit a plan, prepared and certified by a registered land surveyor, showing accurately the location of any proposed building with reference to any street, highway or parkway shown on the official map.

(Code 1982, § 26.05)

Sec. 30-04. Municipal improvements.

No public sewer or other municipal street utility or improvement shall be constructed in any street, highway or parkway within the corporate limits of the City of Marshfield until such street, highway or parkway is duly placed on the official map.

(Code 1982, § 26.06)

Sec. 30-05. Appeals.

The board of zoning appeals shall have the power to review any administrative decision of the city building services supervisor to deny a permit for the erection of a structure under this chapter and to grant relief from the requirements of this chapter under the provisions of § 62.23(6)(d), (f), and (g) Wis. Stats.

(Code 1982, § 26.07)

Sec. 30-06. Certified copy of map.

There shall be a certified copy of the official master street map kept in the office of the city clerk, which shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the official map described in this chapter, and shall show the effective date of such map and shall be signed by the mayor and countersigned by the city clerk. Thereafter no change or addition to such official map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the official map and a certificate placed thereon or attached thereto bearing the number and date of adoption of each amendment. The certificate shall be signed by the mayor and countersigned by the city clerk.

(Code 1982, § 26.08)

Sec. 30-07. Penalties; eminent domain compensation.

(1) Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to forfeiture and penalties as provided in section 1-05 of this Code.

(2) No damages shall be allowed for the taking by any governmental agency, for street, highway and parkway purposes, of any building or improvement erected in violation of this chapter.

(Code 1982, § 26.11)